



UNDERSTANDING LOCAL LEGAL NEEDS: **EARLY INTERVENTION AND THE ECOSYSTEM OF LEGAL SUPPORT**

Dr Tara Mulqueen and Dr Lisa Wintersteiger

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Website: nuffieldfoundation.org

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[Advicenow](#) (formerly known as Law for Life) is a UK-based charity that helps individuals and communities navigate life's legal problems. We provide clear, practical legal information, self-help tools, education, and training to empower people to understand and use the law effectively. We research what works and collaborate with others to tackle justice issues through policy and campaigns. Our work focuses on creating innovative access to justice solutions, combining online and offline support. We partner with communities and organisations to drive meaningful change and promote excellence in public legal education.

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EXECUTIVE SUMMARY

This report contributes fresh evidence to inform early intervention and public legal education strategies. These focus on how trusted intermediaries can support access to justice for marginalised communities in collaboration with specialist legal and advice services.¹ Legal need is immense, and it far exceeds the capacity of existing services to meet it.² Early intervention in the context of legal needs aims to reduce the escalation and the multiplication of law-related problems. Strategies that help people recognise and deal with problems earlier, by fostering legal capability and engaging a wider ecosystem of legal support, are vital to finding solutions to unmet legal need and to mitigating poor outcomes for individuals as well as the knock-on effects on health and other public services.³

ABOUT THE STUDY

This report presents the findings of a local, qualitative legal needs study in Coventry, a collaborative project between the University of Warwick School of Law, Central England Law Centre and Advicenow (formerly Law for Life). It focuses on the experiences of marginalised groups and the role of community organisations (trusted intermediaries) in supporting them to access civil and social justice. It explores legal needs emerging from March 2020 to the present, capturing experiences as the country has moved from one crisis, the COVID-19 pandemic, to another, the 'cost-of-living' crisis. The study provides new insights into the experiences of people from marginalised communities in this rapidly changing context of heightened legal need and diminishing service provision, amidst the longer-term erosion of social safety nets and digitalisation of services. Findings from this study contribute important policy and practice insights to inform early intervention and public legal education strategies. These focus on how trusted intermediaries can support access to justice for marginalised communities in collaboration with specialist legal and advice services. The study demonstrates how engaging a wider ecosystem of legal support to help people recognise and deal with problems earlier is

¹ **Early intervention** means assisting "at the earliest point possible in a problem's life course," to prevent it from escalating, or even occurring in the first place. This can mean intervening before a problem "has entered the legal domain." See Pascoe Pleasence et al., *Reshaping Legal Assistance Services: Building on the Evidence Base: A Discussion Paper* (Sydney: Law and Justice Foundation of New South Wales, 2014), 9. It also means looking to the wider context in which a problem might arise; including social trigger points such as transitions in people's lives such as entering and leaving relationships, or bereavement. It also means considering groups that are most likely to experience particular law-related problems and achieve less favourable outcomes.

Public legal education (PLE) describes a broad range of online and offline legal information and education initiatives and services aimed at increased awareness and understanding of legal rights and processes, better understanding and uptake of advice and legal assistance, and increased skills and confidence in taking effective action when problems occur. Increasing PLE aims to empower both individuals and communities, enabling them to take more control over their lives, deal with their problems, participate in the democratic process, and get involved in shaping the decisions that affect them. Sharon Collard et al., *Public Legal Education Evaluation Framework* (Bristol: Personal Finance Research Centre, University of Bristol, 2011); Lisa Wintersteiger, *Legal Needs, Legal Capability and the Role of Public Legal Education* (The Legal Education Foundation, 2015).

Trusted intermediaries are "people who are known and trusted [...] who can be a bridge [to] legal support or other information or services," and provide a wide variety of support that helps people deal with law-related problems. See Karen Cohl et al., 'Trusted Help: The Role of Community Workers as Trusted Intermediaries Who Help People with Legal Problems' (Toronto: Law Foundation of Ontario, 2018), 8. This often refers to people who work or volunteer in frontline, non-legal community organisations, but it can also include a much wider group including health workers, important community figures and even friends and family.

² Pascoe Pleasence, Nigel Balmer and Rebecca Sandefur, *Paths to Justice: A Past, Present and Future Roadmap* (London: UCL Centre for Empirical Legal Studies, 2013).

³ Using data from the English and Welsh Civil and Social Justice Survey in 2004, the economic cost of this impact on individuals and public services in England and Wales was estimated to exceed £13 billion per year Pascoe Pleasence et al, *Causes of Action: Civil Law and Social Justice* (Norwich: TSO, 2006) i. This figure would be significantly higher now due to inflation.

crucial to addressing unmet legal need and to tackling law-related problems before they escalate and multiply.⁴

The study took a qualitative, participatory approach, drawing on legal consciousness to explore how people “experience, understand, and act in relation to law.”⁵ Qualitative approaches enable a focus on the lived experiences of people who are marginalised.⁶ This approach provides detailed insights into the specific law-related problems that have arisen in people’s lives and the barriers to resolving them, reflecting “how legal systems actually work—not just in theory, but in reality.”⁷ It also offers insight into how people respond to these problems and the factors that influence their responses.

The research has been co-produced with seven trusted intermediary organisations in Coventry.⁸ We conducted interviews with a group of staff and stakeholders from each organisation, and we interviewed a sample of thirty-five individuals they have supported and who have struggled to deal with law-related problems. The individual participants in the study reflect groups that the organisations support, many of whom are often absent from large-scale legal needs studies.

Organisation	Main Group Supported
Carriers of Hope	Migrants, refugees and asylum-seekers in poverty
Coventry Foodbank	People accessing foodbanks and reduced cost food
Feeding Coventry	
Foleshill Women’s Training	Women subject to social exclusion and poverty
Kairos Women Working Together	Women at risk of and subject to sexual exploitation
Rethink Mental Illness	People affected by severe mental illness
St Basils	Youth experiencing or at risk of homeless/ living in supported accommodation

Within these broad groups, participants’ narratives highlight intersecting, marginalised forms of identity and experience, especially poverty, disability and mental ill-health, but also gender, race and ethnicity, age, migrant status and care experience.

⁴ In this report, legal support is taken to include “the totality of support available to people from information, guidance and signposting at one end, of the spectrum to legal advice and representation at the other.” Lord Chancellor and Secretary of State for Justice, *Legal Support: The Way Ahead* (London: Ministry of Justice, 2019), 5.

⁵ Lynette J. Chua and David M. Engel, “Legal Consciousness Reconsidered,” *Annual Review of Law and Social Science* 15, no. 1 (2019): 336.

⁶ See Alexy Buck and Liz Curran, “Delivery of Advice to Marginalised and Vulnerable Groups: The Need for Innovative Approaches,” *Public Space: The Journal of Law and Social Justice* 3, no. 7 (2009). For example, people experiencing homelessness, people with precarious immigration statuses, and people with complex needs. See Pascoe Pleasence et al., *Paths to Justice*.

⁷ West Coast Legal Education and Action Fund. ‘Re-Envisioning Public Legal Education and Information (PLEI)’ (British Columbia, 2021), 25.

⁸ See pp 26-27 in the main report for full descriptions of the organisations.

WHAT THIS STUDY TELLS US

The findings show that legal need amongst marginalised groups in Coventry is characterised by the experience of complex clusters of problems. It was common that participants had experienced between four and six interrelated problems within the timeframe of the study. These clusters were linked to underlying financial precarity and poverty, disability and changes in health, and family breakdown. A majority of problems were either unresolved or had poor outcomes. Living on very low incomes and struggling to make ends meet meant that problems quickly led to people being unable to pay for food or heating, deteriorating health and even losing their homes when unresolved. Problem clusters were exacerbated and sometimes triggered by systemic issues, particularly in disability benefits, asylum and housing processes. This included poor first-stage decision-making, misinformation, delays, and dismissive and hostile attitudes. Digital-by-default services that failed to tackle digital exclusion, and processes that largely do not accommodate people's needs, including those related to disabilities and long-term physical and mental health conditions, contributed to problems.

Participants responded to problems with a range of resolution strategies, often deploying multiple strategies within problem clusters. These included elements of inaction, handling things alone as well as seeking different forms of support, ranging from informal help from family and friends to the support of trusted intermediaries, and legal advice and representation. Inaction was common and reflected power imbalances or simply focusing on survival, and along with self-help led to poorer outcomes. When they were able to access legal and advice services, often with the help of trusted intermediaries, this usually led to positive outcomes, highlighting the integral importance and impact of advice. However, they often struggled unnecessarily for a long period of time before they were able to find the help they needed, if they did at all, and problems were compounded by a lack of access to early advice. The difficulty in accessing help experienced by participants, such as inconsistencies in referral pathways and limited capacity, reflects the impact of continued underfunding of services. Legal aid provision in Coventry has decreased by 70% since the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. While funding from trusts and foundations as well as corporate and contract-based funding in the sector has increased, this has not been able to make up what was lost.

Law and rights held relatively little meaning to participants, or their views on both tended to be negative or abstract, pointing to a pervasive sense of legal alienation. People's understanding of legal rights and processes was very low, which hindered their ability to handle problems and get the help that they needed. While they brought considerable resilience and perseverance to their efforts to deal with problems, they were often frustrated by these difficulties. They struggled with the skills needed to manage bureaucratic and complex systems, often due to disabilities and long-term health conditions. Most also struggled with the use of digital technology. These experiences undermined their confidence and self-esteem, leading to demoralisation. Many participants described feeling confused, overwhelmed, humiliated or lost, and they were hindered from resolving their problem by fear of reprisals or punitive responses.

Despite these difficulties, the findings show how these complex barriers, challenges and systemic issues can be mitigated, providing some promising insight into what works. In particular, the research highlights the integral role played by trusted intermediaries in collaboration with legal and advice services. While trusted intermediaries are not typically considered part of the ecosystem of access to justice in the UK, this research shows that they already play a significant role in meeting legal needs through a range of activities. These include identifying legal problems where someone may not recognise that they have rights, signposting and referral, practical help, emotional support and advocacy. The support they provide reflects the social and practical dimensions of dealing with law-related problems, including building trust, providing a safe space for people to talk about what is happening in their lives, and developing confidence. Participants' narratives highlight how important this support was to them in enabling them to take action. Those who had been supported by trusted intermediaries to deal with their legal problems had much better outcomes, including better access to advice.

While the organisations had different opportunities and approaches to offering this support, they all recognised the importance of this aspect of their role. They also highlighted some of the challenges they face. While we found many examples of good practice, these efforts are often ad hoc and constrained by resources as well as their own legal capability and there was inconsistency in how organisations make decisions about how best to support someone to deal with a law-related problem. The ability of intermediaries to provide these forms of support is enhanced by close working relationships and partnerships with legal and advice services, particularly when they are readily able to have questions answered and can easily refer people.

Overall, our findings point to a reconceptualisation of the ‘early’ in ‘early intervention’ as the identification of law-related problems and provision of legal support at the earliest opportunity, when someone is engaging with help or support in their community. The reality is that people are often already in crisis and experiencing unresolved legal problems as they navigate sources of help and support. This bottom-up, person-centred approach to early intervention can broaden the reach of specialist legal and advice services by engaging a wider ecosystem of legal support to intervene effectively to tackle law-related problems before they escalate and multiply.

The research shows a need to promote much more widespread legal capability, particularly amongst trusted intermediaries, strengthening the capacity of communities to take rights-based approaches targeted at the primary clusters of problems amongst marginalised groups. Strengthening that capacity means investing in specialist legal and advice services while prioritising approaches that can make their funds go further by building networks with intermediaries. Alongside this, findings highlight the need for a collective approach to ‘systemic early intervention’, targeted at the issues that drive legal need and compound disadvantage in the first place. This includes devising collaborative local strategies with statutory services, voluntary sector services and legal and advice services to target those with the greatest need and reduce barriers.

KEY FINDINGS

1. The landscape of legal need in Coventry

1.1. Legal need amongst marginalised groups in Coventry reflects structural forms of poverty and inequality arising from its socio-economic history as a post-industrial city. The prevalence of low-paid and precarious jobs, alongside high levels of unemployment, high numbers of out-of-work benefits claimants, escalating mental health needs, and significant numbers of migrants and asylum seekers, drive heightened legal need in key areas of social welfare and family law, often but not exclusively concentrated in deprived areas. Legal need has been exacerbated by COVID-19 and the cost-of-living crisis.

1.2. The landscape of legal and advice services has changed dramatically as a consequence of austerity and the cuts to legal aid. Legal aid provision in the city has declined by 70% since the implementation of LASPO. Coventry City Council has been supportive of the sector, but local authority funding for legal and advice services has decreased considerably in real terms and faced significant cuts. While funding from trusts and foundations as well as corporate and contract-based funding in the sector has grown, it is usually project-based and time-limited, with specific difficulties in funding core costs and caseworkers. Demand for legal and advice services far exceeds their supply in all areas. There are particularly acute shortages in the areas of immigration, employment and private family.

2. The perspective of trusted intermediaries

“...the frustration that our clients are feeling, they’re shared by us to a large extent. I mean we’re a bit more [...] demanding about it all and we’ll keep going, but I can understand why people think, oh just give up” (Carriers of Hope).

2.1 The organisations pointed to intersecting forms of disadvantage amongst the people they support, including poverty, racialised and gendered experiences, disability and mental ill-health, substance abuse, and particular challenges for migrants. They raised concerns about groups including single men, lone parents (particularly women), care leavers and migrants, and pointed to groups in the city they may not be reaching.

2.2 They highlighted the devastating impact of the pandemic and the cost-of-living crisis in the city, drawing attention to the scale of emergency food provision, as well as the challenges of accessing overstretched local services which have persisted and sometimes worsened since the pandemic. These include long delays and difficulties accessing GPs, as well as stigma and hostile service cultures.

2.3 They see a wide range of legal issues, predominantly welfare benefits, debt, housing and immigration, as well as high levels of unmet needs for social care. For the organisations supporting women, domestic abuse and child protection were also prominent.

2.4 The forms of legal support they offer range from signposting and referral to practical help such as making phone calls, filling out forms and digital support, to emotional support and advocacy. They often felt they needed to stay involved to support someone through a process or to ensure their needs were understood by other services.

2.5 The levels of legal support offered by the organisations varied considerably, reflecting factors including the structure of their services and remit, opportunities to offer support, their capacity (particularly time and resources) and legal capability, and the needs of the communities they support.

2.6 They identified significant limitations, tensions and challenges in this role, in particular gaps in their own legal knowledge and skills and pressure on time and capacity. Collaboration with legal and advice services helped to overcome challenges, particularly where there were established partnerships, but they often struggled to refer due to services being over capacity.

3. The experience of law-related problems for marginalised groups

“Problems kept happening, coming from nowhere, I don’t know why” (S).

3.1 There were more than 130 law-related problems taking place among 35 participants.⁹ Most had experienced between four and six interrelated problems. The most common problems were related to welfare benefits and housing. Many of these problems were unidentified (by neither the participant nor the intermediary), including entitlement to disability-related benefits and social care, and employment problems.

⁹ Individual participants were selected on the basis that they had struggled to deal with law-related problems within the timeframe of the study (30-36 months).

3.2 The majority of participants had been involved in legal processes. These included a wide range of predominantly civil processes and pre-proceedings, for instance, workplace disciplinary proceedings, review stages such as mandatory reconsideration in relation to benefits problems, debt relief orders and bankruptcy, asylum applications, separations and divorces. A significant number of participants had also been involved in court and tribunal proceedings or had been threatened with legal action (e.g. eviction).

3.3 Unresolved legal problems led to a range of negative impacts including being unable to pay for food and heating, deteriorating physical and mental health, emotional well-being, and challenges in practical aspects of day-to-day life. They resulted in lost social care assistance, poor or overcrowded housing conditions, and some lost their home altogether.

3.4 There were two primary clusters of problems. The first related broadly to a loss of income and included employment problems, benefits problems, debt, eviction and homelessness, often with underlying social care entitlement. The second related to a broad spectrum of family problems, often involving domestic abuse, and variously included divorce, child arrangements, child maintenance, child protection and linked problems with housing, benefits and immigration. In addition, problems were also related to or stemmed from complications with immigration status, including benefits, debt, housing and social care. These clusters could overlap, and problems were at different stages.

3.5 Problems were only exceptionally caused or 'triggered' by the pandemic and the cost-of-living crisis, but they were often exacerbated by them. Problems tended to reflect wider circumstances of financial precarity and poverty, as well as triggers including changes in health and family breakdown. Participants' accounts often highlighted much longer histories and antecedents.

3.6 Multiple systemic issues and barriers either exacerbated or triggered legal problems. These included complex and problem-prone processes, particularly in disability benefits, asylum and housing processes including poor first-stage decision-making, misinformation, delays, and dismissive and hostile attitudes. Participants struggled with systems and processes that largely do not accommodate their needs, including those related to disabilities and long-term physical and mental health conditions, or take account of the practical realities of their circumstances.

3.7 Most participants experienced significant barriers related to the use of digital technology. Digital poverty and deficits in digital skills contributed to delays and mistakes in legal and administrative processes. Problems related to submitting evidence and managing online appointments triggered and escalated legal problems including benefit sanctions and child protection proceedings. Some participants pointed to the benefits of doing things online, but more complex processes created substantial barriers. Difficulties in speaking to someone to resolve issues caused additional stress and frustration.

4. Problem resolution strategies

"I spoke to that many people you know, it's a whirlwind" (K).

4.1 Participants responded to problems with a range of resolution strategies, often deploying multiple strategies within problem clusters. These included elements of inaction, handling things alone and the use or involvement of different forms of support, ranging from informal help from family and friends to the support of trusted intermediaries, and legal advice and representation.

4.2 Inaction was common. Problems were frequently not identified as being actionable, participants described not knowing what to do or thinking that taking action would be too

difficult or not worth it. Power imbalances influenced inaction, and participants accepted decisions by more powerful actors, such as employers, landlords and government agencies. Inaction was linked to the cascade effects of multiple problems and feeling overwhelmed. Participants often focused limited energy on necessities and survival or the most pressing problem in a cluster. Young people and people with mental ill health most commonly did not take action. Inaction resulted in significantly poor outcomes including homelessness, loss of income or employment, or serious health decline.

4.3 Handling things alone was a common resolution strategy, and participants frequently combined self-help with other strategies on a single issue. This involved trying to find information, repeated attempts to negotiate with other actors, making multiple applications (for benefits or housing assistance for example) and making complaints. Participants described how they had been getting on with things or taking practical steps to improve the situation, but usually without taking advantage of available rights. Seriousness did not always preclude people from trying to handle things alone, including tribunal proceedings, child protection proceedings and homelessness processes. Handling problems alone tended to result in unnecessarily protracted struggles and forms of resolution that fell short of potential entitlements.

4.4 Friends, family and the wider community were important resources for participants, providing emotional and material support, as well as information and practical help to deal with law-related processes. However, reliance on informal sources of help in some cases led to delay, misdirected action, or inaction.

4.5 The support of trusted intermediaries was often a key factor in participants taking any form of action. Trusted intermediaries played a significant role in both identifying problems and supporting people to deal with them, particularly benefits and debt problems. Those who most readily accessed advice had done so with the help of intermediaries.

4.6 Most participants had engaged or attempted to engage with legal and advice services in some way. Where people had accessed legal and advice services this usually led to successful outcomes, including access to social care, successful benefits appeals, debt relief orders, immigration and asylum appeals. However, access to legal help was commonly at a late stage when they were already in crisis and dealing with problems that had significantly escalated. Those who 'tried and failed' to access advice had usually ended up helping themselves, or the issue had stalled. Participants' experiences point to inconsistencies in referral pathways, limitations on the capacity of local service providers and the scope of legal aid, as well as very limited awareness of sources of advice.

5. Legal consciousness

"Legal and rights issues, I don't feel like people would even see it as that because they never listened to us beforehand. [...] There's no such thing as rights anymore, there's not" (H1).

5.1 Law and rights held relatively little meaning in relation to participants' immediate experiences, and associations with law and rights tended to be negative or abstract, pointing to a pervasive sense of legal alienation.

5.2 Their perceptions reflected their wider experiences of marginalisation, related to a range of interrelated factors, including disability, mental ill health and prior trauma, as well as more specific experiences with the legal system. More recent encounters with the administrative state, including its digital interfaces, as well as more powerful actors such as landlords and employers,

undermined their integrity, humiliated and depersonalised them, further exacerbating their sense of alienation from law and rights.

5.3 Even when participants had successfully asserted rights, their narratives were not generally framed in terms of empowerment, instead reflecting that what they had experienced was an unnecessary ordeal. However, they emphasised the importance of feeling supported, being heard and having relationships of trust, often related to their engagement with intermediaries as well as more positive encounters with legal and advice services.

6. Legal capability

"I don't know about legal rights or what to do or where to go" (E).

6.1 Levels of legal knowledge, including preliminary awareness to identify legal issues as well as specific rights and entitlements, were very low. Some people had partial knowledge of their rights, but they didn't know the processes they should use to secure them. When participants did not take any action, this was at least partially a consequence of not recognising the problem. Efforts to handle problems alone and seek help were both frustrated by limited knowledge of rights and processes. This resulted in poor outcomes including lost entitlements, food and housing insecurity, and it had negative impacts in family cases.

6.2 Clusters of legal problems meant that those who had gained sufficient knowledge in some areas and had the wherewithal to find things out described significant problems with other areas they encountered. Levels of legal knowledge shifted according to context and status, particularly if someone experienced declining mental health or language barriers. Participants often attributed a lack of knowledge to being misinformed or having a lack of access to information about their cases, leading to mistrust and suspicion of institutions and contributing to power imbalances.

6.3 Many participants struggled with the skills needed to plan, organise and keep track of events, often due to disabilities and long-term health conditions. Common problems were associated with obtaining and submitting evidence, finding and completing forms and the administration of their benefits and finances. Participants combined a range of tactics and skills to try to tackle their problems, usually without fully understanding their rights. Some people demonstrated ingenuity and perseverance in combining negotiation skills and recording evidence to press for better outcomes. Others struggled significantly with communication due to health or language issues. Participants often combined skills within a household. Problems with skills were compounded by poor administration of public services and lack of service sensitivity to participants' needs.

6.4 Most participants discussed limited digital skills and confidence, often related to disabilities and long-term health conditions. Few were completely without access, but most relied entirely on smartphones. Difficulties included typing, feeling like they weren't able to do things quickly enough, composing documents, and uploading documents. Some felt 'out of practice' or simply unsure about using computers. Very few sought legal information online. Several participants relied entirely on intermediary organisations for online tasks, such as managing benefits, while others depended on children or neighbours for help.

6.5 Overall attitudes toward participants' situations and law-related problems were negative and led to demoralisation, losing faith in their ability to resolve problems or not acting at all. The experience of repeated and multiple problems undermined their confidence and self-esteem, which in turn made it harder for them to tackle the problems they encountered. A significant number of people described feeling anxiety and uncertainty and were hindered in resolving

their problem by fear of reprisals or punitive responses. They struggled to ask for help due to shame and fear.

6.6 Trusted intermediaries helped people to overcome these barriers and bolstered their legal capability by providing information, helping with practical tasks and building confidence to take action.

RECOMMENDATIONS

Our recommendations focus on tackling the root causes of unmet legal need in marginalised communities, taking a 'whole-systems' approach that builds on the idea of intervening at the *earliest opportunity*. They reflect four overarching themes:

- Reducing systemic drivers of legal need
- Developing the ecosystem of legal support
- Fostering collaborative local rights-based cultures
- Building community legal capability

These approaches reflect values that were important for participants and made a positive difference to their experiences. These include the centrality of trust and feeling supported.

1. Reducing systemic drivers of legal need

The evidence in this report points to the importance of early intervention to reduce systemic drivers of legal need that disproportionately impact marginalised groups and perpetuate disadvantage. Poor first-instance decision-making, maladministration and delays, and hostile service cultures, particularly in disability benefits, asylum and housing processes are driving legal need, escalating and triggering crises for individuals as well as generating further costs in health and other public services.

1.1 Improve the quality of first-stage decision-making and reduce demand for tribunal and other redress mechanisms with a focus on welfare benefit and immigration decision-making.

1.2 Consider a 'polluter pays' model for the civil justice system to incentivise better practice and meet the financial costs of poor practice.

1.3 Tackle hostile and dismissive service cultures by promoting person-centred services that prioritise the needs and perspectives of people using them.

1.4 Mitigate the impact of 'digital-by-default' services by ensuring digital service interfaces are developed alongside alternative channels for those who need them most.

2. Building the ecosystem of legal support

This study points to the value of an ecosystem of legal support which traverses local, regional and national levels. It includes trusted intermediaries, generalist and specialist advice, and high-quality digital information resources and guidance. Meeting the legal needs of people who are marginalised means recognising the integral role played by each of these different forms of legal support and reversing investment flows to focus on bottom-up, collaborative community-based solutions.

- 2.1 Start local to ensure the right mix of legal support to meet local legal needs. This may include devolving national legal support budgets to a local level and/or implementing flexible commissioning arrangements to build on trusted partnerships.
- 2.2 Develop a local ecosystem of legal support that can adapt to scale and regionalise efforts.
- 2.3 Support and recognise the integral role of trusted intermediaries in providing legal support, including identifying legal problems, signposting and referral, and providing a variety of forms of practical help, including digital assistance.
- 2.4 Target and tailor support for marginalised groups with a focus on common, interrelated clusters of problems to prevent escalation and crisis.
- 2.5 Invest in and support collaborations and partnerships to provide a continuum of legal support. A responsive legal support system should include tailored combinations of legal information, education, assistance from trusted intermediaries and pathways to specialist advice and representation at the earliest opportunity.
- 2.6 Tackle acute shortages in specialist legal advice. In Coventry, this includes immigration, private family, community care and employment law. This could include expanding the scope of legal help to include early advice for priority groups and clusters of issues (taking as an example models such as the Housing Loss Advice Prevention Scheme).

3. Developing collaborative local rights-based cultures

Rights-based approaches entail recognising that problems often have a legal dimension, supporting intervention at the earliest opportunity and prevention where possible, and aiming to support long-term sustainable solutions and community cohesion. This means promoting understanding amongst statutory and voluntary services of the value of rights-based approaches and taking action to implement those approaches at a local level.

- 3.1 Promote local systemic early intervention by engaging decision-makers including local authorities and housing providers to improve the quality of first-stage decision-making, establish 'right first time' principles, and identify and mitigate factors driving people into crisis and destitution.
- 3.2 Develop person-centred services that prioritise the needs and perspectives of people accessing them, reduce gatekeeping and foster a culture that seeks to uphold people's rights. This should involve regular consultation and needs assessment, ensuring the inclusion of people with lived experience.
- 3.3 Local stakeholders should work together to identify local legal needs and priority groups using evidence-based approaches. Utilise administrative data, for instance from local authorities and the Department for Work and Pensions, alongside the insight of trusted intermediaries, independent generalist and specialist legal advice to identify and target engagement, advice and support to those facing the greatest inequalities.
- 3.4 Flexible and responsive local commissioning should focus on 'bottom-up' solutions, fostering local collaborations and partnerships.

4. Building community legal capability

The findings point to the value of building legal capability both at the individual and community level. Increasing support to help people recognise and deal with problems earlier, lies at the heart of strengthening trusted intermediary capacity to participate in the ecosystem of legal support. Trusted intermediaries are a diverse group and may include community organisations, healthcare workers, and many others. Their diversity is an asset and builds on relations of trust at the community level.

4.1 Equip trusted intermediaries to proactively identify law-related problems and potential clusters, share high-quality legal information, provide practical support and signpost or refer to advice and specialist legal help effectively. Create replicable yet adaptable approaches for trusted intermediaries to provide legal support for the people that they help.

4.2 Strengthen community legal capability with a focus on understanding the causes of inaction among priority groups, including low levels of knowledge of rights and processes and the practical skills needed to progress action at each stage of a justice problem.

4.3 Promote individual legal capability through targeted initiatives as well as practices that enable people to identify legal problems, develop and be supported with relevant skills and attitudes. This includes legal awareness raising, dissemination of high-quality legal information, supported self-help and enhanced referral routes to practical in-person support and guidance, and specialist assistance delivered on and offline.

4.4 Focus on developing and disseminating good practice amongst trusted intermediaries by creating 'communities of practice' supported by public legal education and training. Establish local and regional rights networks that can scale and disseminate good practice (from the legal sector, voluntary sector and statutory sector) to share understanding of the real-life impact of unmet legal need and develop solutions together.

INTRODUCTION

This report presents the findings of a local, qualitative legal needs study in Coventry. This study has produced a range of valuable insights for understanding legal needs in Coventry, with wider implications for other local communities and the national landscape of access to justice. Legal needs studies have become a vital tool for the effective development of civil justice policies, models and financing.¹ We focused on the experiences of marginalised groups and the role of community organisations in supporting them to access civil and social justice. We explored legal needs emerging from March 2020 to the present, capturing experiences as the country has moved from one crisis, the COVID-19 pandemic, to another, the ‘cost-of-living’ crisis. These crises have exposed systemic weaknesses, and dramatically deepened inequality, forcing more people into “deep poverty.”² Those who were already marginalised and struggling before have been hit hardest.³ The pandemic and the cost-of-living crisis are often discussed as short-term problems. However, they have emerged in the context of another decade-long “slow-motion” crisis, caused by austerity and drastic cuts in public services.⁴

The UK’s social safety net has been weakened, and poverty and inequality have grown significantly.⁵

Increasing poverty, widening inequality and prolonged austerity have significant implications for legal need amongst marginalised groups and the persistent problem of how best to meet it. Legal need describes a situation in which a person, when faced with a legal problem, lacks legal capability - understood as the knowledge, skills and attitudes needed to deal with a legal problem - and therefore requires some form of legal support. If that lack of legal capability is not provided for, or appropriate support is not available, the legal need is broadly unmet.⁶ While rich and poor alike experience higher incidences of legal problems, it is widely recognised that “problems are far from randomly distributed across populations.”⁷ Marginalised groups, including people on benefits, lone parents, disabled people and those with mental illness, amongst others,⁸ report more law-related problems, particularly around social

¹ “Legal needs surveys provide an empirical basis for understanding how peoples’ justice issues arise [...] Legal needs surveys investigate the experience of justiciable problems from the perspective of those who face them (a ‘bottom-up’ perspective), rather than from that of justice professionals and institutions (a ‘top-down’ perspective). They seek to identify and explore the full range of responses to problems and, within this, all the sources of help and institutions that are utilised in pursuing problem resolution. OECD/Open Society Foundations, *Legal Needs Surveys and Access to Justice* (Paris: OECD Publishing, 2019), 28.

² On the combination of the pandemic and cost of living crises as a ‘polycrisis’ see, University of York Cost of Living Research Group, *Sticking Plasters and Systemic Reform: Cost of Living Responses in the UK* (York: University of York, 2023), 7.

³ Poverty Strategy Commission, *A New Framework for Tackling Poverty* (Centre for Social Policy Studies, September 2023).

⁴ Kevin Albertson and Stevienna De Saille, “The Cost of Living Crisis Has Been Many Years in the Making - but Politicians on Both Sides Ignore This,” *The Conversation*, published September 1, 2022, <https://theconversation.com/the-cost-of-living-crisis-has-been-many-years-in-the-making-but-politicians-on-both-sides-ignore-this-189483>.

⁵ A new coalition Government came into power in the UK in the general election of 2010 and enacted an array of policies that substantially weakened the social safety net and led to escalating inequality. The UK recorded the highest rate of economic inequality in Europe just prior to the pandemic, in 2015 the average UK household in the best off 10% of the income distribution had 17 times more money to live on than the average household in the poorest tenth. See Danny Dorling, *Peak Inequality: Britain’s Ticking Time Bomb* (Bristol: Policy Press, 2018), 143.

⁶ “A legal need is unmet if a justiciable issue is inappropriately dealt with as a consequence of effective legal support not having been available when necessary to make good a deficit of legal capability.” OECD/Open Society Foundations, *Legal Needs Surveys and Access to Justice* (Paris: OECD Publishing, 2019), 24.

⁷ See discussion in Pascoe Pleasence, “Legal Need” and *Legal Needs Surveys: A Background Paper* (Open Society Foundations, 2016), 9.

⁸ In the Civil and Social Justice Panel Survey, those who were unemployed and in receipt of benefits, and people with mental health issues reported the most problems in absolute terms. Pascoe Pleasence et al., *Civil Justice in England and Wales: Report of Wave 1 of the English and Welsh Civil and Social Justice Panel Survey* (London: Legal Services Commission and Ipsos MORI, 2011), 11.

welfare issues such as benefits and housing.⁹ They are also more likely to experience multiple problems at the same time.¹⁰ Associated problems tend to form “clusters”¹¹ with one law-related problem “triggering” the next, producing a “vicious cycle” of disadvantage.¹² These same groups are also more likely to struggle to deal with law-related problems because their levels of legal capability tend to be lower, and they have limited access to resources.¹³

At the same time as increasing poverty and inequality have driven legal needs amongst marginalised groups, prolonged austerity and dramatic reductions in legal aid enacted by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) have significantly undermined access to justice. According to the Law Society, the number of advice agencies and law centres providing civil legal aid has dropped by 59% since 2012, and they project that this could be reduced by another third by 2025.¹⁴ Family and social welfare law have been the worst affected,¹⁵ and significant advice and legal aid “droughts” and “deserts” have emerged across the country.¹⁶ A combination of

underinvestment and commissioning failures means that specialist legal and advice services are often oversubscribed if they are available at all.¹⁷ Digital technologies - including the rapid expansion of remote justice - have been embraced as a solution to alleviating access to justice deficits and driving justice sector reforms. However, while these technologies can improve access to justice, they also threaten to exacerbate problems of legal need, by generating new forms of legal and digital exclusion.¹⁸

This study offers new insights into the experiences of people from marginalised communities in this rapidly changing context of heightened legal need and diminishing service provision, amidst the longer-term erosion of social safety nets. It contributes fresh evidence to inform early intervention and public legal education strategies, focusing on how “trusted intermediaries” can support access to justice for marginalised communities in combination with specialist legal and advice services. These strategies offer a key to addressing unmet legal needs and mitigating associated costs to individuals

⁹ Ibid.

¹⁰ Ibid., ii.

¹¹ Luke Clements, *Clustered Injustice and the Level Green* (London: Legal Action Group, 2020).

¹² Pascoe Pleasence et al., *Reshaping Legal Assistance Services: Building on the Evidence Base* (Sydney: Law and Justice Foundation of New South Wales, 2014), 8. See also Elizabeth Tobin-Tyler et al., *Poverty, Health and Law: Readings and Cases for Medical-Legal Partnership* (Durham, North Carolina: Carolina Academic Press, 2011).

¹³ Pascoe Pleasence, Nigel Balmer, and Catrina Denvir, *How People Understand and Interact with the Law* (Oxford: PPSR, 2015), 168. See also Pascoe Pleasence et al., “Multiple Justiciable Problems: Common Clusters and Their Social and Demographic Indicators,” *Journal of Empirical Legal Studies* 1, no 2 (2004): 301-329.

¹⁴ The Law Society, “LASPO Act,” published November 22, 2023, <https://www.lawsociety.org.uk/topics/legal-aid/laspo-act>.

¹⁵ Ibid.

¹⁶ Recent research by Jo Wilding suggests that the reduction of the number of providers only reveals part of the picture, highlighting the very low number of matter starts across a range of social welfare law areas and the high number of inactive and dormant legal aid contracts. In Wales, for example, there were no matter starts for welfare benefits from September 2021 to August 2022, and in England, there were no matter starts reported in seven housing procurement areas. Jo Wilding, “‘Serious Decline’ in Legal Aid Provision Reveals Extent of Post-LASPO Crisis,” *The Justice Gap*, published June 23, 2023, <https://www.thejusticegap.com/serious-decline-in-legal-aid-provision-reveals-extent-of-post-laspo-crisis/>.

¹⁷ Legal aid fees for civil cases have not increased since 1996 and were reduced by 10% between October 2011 and February 2012. In real terms according to the National Audit Office fees are approximately half of what they were 28 years ago. National Audit Office, *The Government’s Management of Legal Aid* (National Audit Office, 2024), 48; on commissioning issues see The Westminster Commission on Legal Aid, *Inquiry Into the Sustainability and Recovery of the Legal Aid Sector* (The All-Party Parliamentary Group on Legal Aid, 2021), 45-47.

¹⁸ Digital legal capability, and the extent to which people with legal needs can access, engage with and benefit from digital legal resources, services and processes, remains closely associated with age, work status, language access and educational background. Nigel J. Balmer et al., *Public Understanding of the Law Survey: Volume 2 Understanding and Capability* (Victoria Law Foundation, 2024) 147-162; HiiL, *Use of Digital Technologies in Judicial Reform and Access to Justice Cooperation* (HiiL, 2021); Margaret Hagan, “The User Experience of the Internet as a Legal Help Service: Defining Standards for the Next Generation of User-Friendly Online Legal Services” *Virginia Journal of Law & Technology Association* 20, no. 2 (November 2016); Hugh McDonald, “Accessing Access to Justice: How Much “Legal” Do People Need and How Can We Know?” *UC Irvine Law Review* 11, no. 3 (2021): 709-711, 715-716.

and public services.¹⁹ In this introductory section, we provide more in-depth consideration of the context of the pandemic and the cost-of-living crisis and their impact on legal needs, before turning to the specific concerns and design of this study.

Legal needs, COVID-19 and the cost-of-living crisis

In many respects, we are only starting to appreciate the full impact and enduring effects of the COVID-19 pandemic.²⁰ The UK entered its first national lockdown at the end of March 2020, and successive waves of restrictions and further lockdowns continued until mid-July 2021.²¹ At their most restrictive, lockdowns entailed the closure of all 'non-essential' businesses and an order to stay at home, with people permitted to leave home only for essential purposes. Some 2.2 million clinically vulnerable people were further advised to 'shield' by staying home at all

times.²² As in other jurisdictions, the pandemic had a considerable effect on everyday life, businesses and public services, often amplifying longstanding forms of inequality.²³ When adjusted for age, people living in the most deprived tenth of areas were twice as likely to die from COVID-19 as those in the least deprived tenth.²⁴ School closures particularly disrupted poorer children's learning, leading to lower attainment. Mental health worsened for those groups (women and younger adults) who had poorer mental health pre-pandemic. Lockdowns and social distancing particularly reduced the ability of younger, lower-earning, and less educated people to work.²⁵ Disproportionate impacts on racially or ethnically minoritised groups were also well documented.²⁶

The immediate financial impact on households was severe. A quarter – an estimated 7 million – of all households in the UK had lost a significant amount or all of their earned income in the three weeks following the imposition of the first lockdown.²⁷ While some of this initial financial shock eased in the months that followed, by September 2020, some 3.1 million households were in 'serious financial difficulty', with the vast majority of these struggling to afford food, pay bills and missing payments.²⁸ Many more

¹⁹ Using data from the English and Welsh Civil and Social Justice Survey in 2004, the economic cost of this impact on individuals and public services in England and Wales was estimated to exceed £13 billion per year. Pascoe Pleasence, *Causes of Action: Civil Law and Social Justice* (Norwich: The Stationary Office, 2006) i. This figure would be significantly higher now due to inflation.

²⁰ A formal public inquiry, the UK Covid-19 Inquiry, is currently hearing evidence on decision-making and political governance, and the impact of COVID-19 on healthcare systems, among other lines of inquiry. UK Covid-19 Inquiry, "What is the UK Covid-19 Inquiry?" last modified November 6, 2024, <https://covid19.public-inquiry.uk/>.

²¹ The phased lifting of restrictions started in early May 2020, including a return to workplaces for those who could not work from home, the gradual re-opening of schools from early June 2020 and the re-opening of non-essential shops by the middle of that month. While restrictions continued to ease throughout that summer, 'local lockdowns' were imposed when transmission rates spiked. The autumn saw the reintroduction of restrictions nationally, and a second national lockdown was imposed in early November 2020. This lockdown ended in early December 2020, but restrictions remained significant and were guided by a tiered alert system. Despite assurances of a return to school and work in the new year, a third national lockdown was imposed in early January 2021. In March 2021, schools re-opened but a 'stay at home' order remained in place through to the end of that month. Non-essential retail was permitted to re-open in April 2021. By mid-July 2021 most legal limits on social contact had been lifted. See Institute for Government, "Timeline of UK Government Coronavirus Lockdowns and Measures, March 2020 to December 2021," accessed December 9, 2022, <https://www.instituteforgovernment.org.uk/sites/default/files/2022-12/timeline-coronavirus-lockdown-december-2021.pdf>.

²² Katherine Runswick-Cole, "A (Brief) History of Shielding," *iHuman*, November 4, 2020. House of Commons Committee of Public Accounts, *Fifty-Third Report of Session 2019-21: COVID-19: Supporting the Vulnerable During Lockdown*, (London: House of Commons, 2021).

²³ Richard Blundell et al., "COVID-19 and Inequalities," (London: Institute for Fiscal Studies, 2020).

²⁴ Ibid.

²⁵ Richard Blundell et al., "Inequality and the Covid Crisis in the United Kingdom," (London: Institute for Fiscal Studies, 2022).

²⁶ Public Health England, *Beyond the Data: Understanding the Impact of COVID-19 on BAME Groups* (London: Public Health England, 2020).

²⁷ Elaine Kempson and Christian Poppe, *Coronavirus Financial Impact Tracker: Key Findings from a National Survey* (Bristol: Standard Life Foundation, April 2020), 1. Households which had experienced a loss of income included those where the respondent or their partner had either: (a) lost all their earnings, through being temporarily laid off from work or made redundant or ceasing to trade as self-employed; or (b) had seen their earnings / self-employed income fall substantially (based on their own definition of substantial).

²⁸ Elaine Kempson et al., *Emerging from Lockdown: Key Findings from the 3rd Coronavirus Financial Impact Survey* (University of Bristol: Standard Life Foundation, September 2020), 1.

households were “clearly struggling to make ends meet,” and they were at risk of falling into more serious difficulties. The two schemes to replace lost income introduced by the Government left many people partially or completely unprotected, and they had “little reprieve.”²⁹

The profound changes many households experienced in their day-to-day lives as a result of the pandemic, from loss of employment and loss of income to strained family dynamics, to illness and death, led to changes in legal need. This is most readily observed in an immediate surge in demand for legal and advice services, particularly for advice on welfare benefits and employment.³⁰ The Law Centres Network reported increases in calls related to domestic abuse, with North East Law Centre for instance reporting that “[c]alls from women who had been attacked by their partners and had no place to go have gone ‘through the roof,’” rising 64% between April and June 2020.³¹ The lockdowns both increased the risk of domestic abuse and made it much more difficult for survivors to

access information and support.³² Demand in other areas plummeted in the early months of the pandemic. This included immigration, reflecting a dramatically reduced service from the Home Office, and housing, due to the suspension of possession orders.³³ There were also concerns about heightened legal needs that did not translate into demand for legal and advice services, such as adult social care. Many people who would typically rely on domiciliary care services had these withdrawn during the lockdown period and had to rely on unpaid family carers instead.³⁴ As the restrictions lifted, and services gradually returned, fewer people were accessing them.³⁵

This immediate surge in demand at the start of the pandemic placed enormous pressure on legal and advice services which were already struggling to meet needs in their communities. Many advice agencies were threatened with closure due to financial strain and difficulty transitioning to remote services.³⁶ The pandemic also drove a form of rapid digitalisation both for legal and advice services and for the justice sector as a whole.³⁷

²⁹ Sharon Collard et al., *Bearing the Brunt: The Impact of the Crisis on Families with Children. Findings from the 4th Coronavirus Financial Impact Tracker Survey* (Bristol: Standard Life Foundation, 2021), 6. In 2020, 27% of people surveyed by Kempson and Evans were either unprotected or were only partially protected (11 and 16% respectively) by the Coronavirus Job Retention Scheme (CJRS) or getting help from the Self-Employment Income Support Scheme. See Elaine Kempson and Jamie Evans, *How Effective Are the Coronavirus Safety Nets? An Overview of Government Support Using Findings from a National Survey* (Bristol: Standard Life Foundation, 2020), 2.

³⁰ See Citizens Advice, *Life Through Lockdown. What Citizens Advice Data Tells Us About the Year Everything Changed* (London: Citizens Advice, 2021), 17. This included an initial surge around pay and entitlements, and then a surge leading into the summer months around redundancies, reflected in both web traffic and one-to-one advice, and subsiding through the autumn of that year. Overall at CAB in England and Wales, there was a 67% increase in queries related to employment issues in May 2020 compared to the same period the previous year. See Legal Services Board, “Impact of Covid-19 on Legal Services – Data Bulletin June 2020”, accessed September 8, 2023, <https://legalservicesboard.org.uk/impact-of-covid-19-on-legal-services-data-bulletin-june-2020>. Law Centres Network, *Law for All: Protecting the Life You Live* (London: Law Centres Network, 2020).

³¹ Law Centres Network, *Law for All*, 16.

³² In an early survey conducted by Women’s Aid, more than 50% of survivor respondents indicated that abuse had worsened since the start of the first lockdown. Women’s Aid, *A Perfect Storm: The Impact of the Covid-19 Pandemic on Abuse Survivors and the Services Supporting Them* (Bristol: Women’s Aid, 2020), 9. For discussion, see Jane Krishnadas and Sophia Hayat Taha, “Domestic Violence through the Window of the COVID-19 Lockdown: A Public Crisis Embodied/Exposed in the Private/Domestic Sphere,” *Journal of Global Faultlines* 7, no. 1 (June 2020).

³³ Law Centres Network, *Law for All*, 12-17.

³⁴ Rosie Harding, “COVID-19 in Adult Social Care: Futures, Funding and Fairness,” in *Pandemic Legalities: Legal Responses to COVID-19 – Justice and Social Responsibility*, eds. Dave Cowan and Ann Mumford (Bristol: Bristol University Press, 2021), 119-130.

³⁵ Phoebe Dunn et al, *Briefing: Adult Social Care and COVID-19 After the First Wave. Assessing the Policy Response in England*. (London: The Health Foundation, 2021), 30.

³⁶ ASA Director, “Press Release 9 April 2020 – Covid-19 – Advice Services Alliance,” Advice Services Alliance (blog), published September 18, 2020, <https://asauk.org.uk/press-release-9-april-2020-covid-19/>.

³⁷ Covid-19 drastically accelerated many of the digital trends that existed pre-pandemic, Covid-19 Committee, *Beyond Digital: Planning for a Hybrid World* (1st report session 2012-20 House of Lords Paper 263), accessed March 24, 2025, <https://publications.parliament.uk/pa/ld5801/ldselect/ldcovid19/263/26304.htm#idTextAnchor005>.

Following the lockdown measures, many services adapted their practices to home working to ensure compliance with social distancing safety measures. Digital technology became a fundamental tool to communicate with clients.³⁸ Nationally, Citizens Advice, for example, reported making an almost overnight switch from their face-to-face services to phone, email and web chat.³⁹ Within the civil justice system, there was a rapid expansion of the use of remote hearings.⁴⁰ Early changes also affected what types of cases were being heard.⁴¹ Case backlogs, already substantial before the pandemic, grew significantly.⁴²

The new demand for legal and advice services was largely comprised of first-time clients, people who would not typically access them, and who fall outside of legal aid thresholds.⁴³ This expansion of the client base exposed what has been referred to as the “justice gap:” people who fall outside of legal aid thresholds, but who would be forced into poverty if they had to pay legal costs.⁴⁴ They comprise a considerable proportion of the population.⁴⁵ At the same time, there were concerns that this new, and in many cases temporary, demand “may in practice be drowning out the needs of those marginalised population groups who have

formed the traditional client base of the advice sector.”⁴⁶ The Law Centres Network, for instance, reported that

“[m]any traditional clients who rely on face-to-face services due to language and health barriers, or who cannot access digital services due to poverty or inexperience, now largely do not access Law Centre services or other frontline advice services.”⁴⁷

As the pandemic progressed, it became increasingly apparent that the worst affected were those who had already been struggling financially before the pandemic. Those in the most dire financial circumstances, some 4.5 million households, were predominantly those with disabilities that limit their day-to-day activities, single parents, and households in receipt of Universal Credit.⁴⁸ There are significant overlaps between these groups, and “households in more than one of these groups [were] likely to be faring even worse.”⁴⁹ Many of these households were struggling to pay for food and household bills, relying on credit to cover costs and falling into arrears. Most of these households did not lose income directly as a result of the pandemic; instead, their financial hardship was a result of increased spending due to higher prices, with reductions in essential spending when funds ran short.⁵⁰ Their difficulties reflect, in part, “the ongoing issue of social security payment adequacy.”⁵¹ They were also more likely to have debt from borrowing to pay for essentials, and those on Universal Credit were twice as likely to borrow money for food, despite a £20 weekly uplift in payments from March 2020 to October 2021.

As the pandemic restrictions gradually eased, a new set of concerns came to the fore, as financial circumstances became even more dire, and the protections put in place during the pandemic came to an end. These

³⁸ Daniel Newman, Jess Mant and Faith Gordon, “Vulnerability, Legal Need and Technology in England and Wales” *International Journal of Discrimination* 21, no. 3 (2021): 248.

³⁹ Citizens Advice, *Life Through Lockdown*.

⁴⁰ Natalie Byrom, Sarah Beardon and Abbey Kendrick, *The Impact of COVID-19 Measures on the Civil Justice System* (Surrey: Civil Justice Council, 2020). The Law Society, *Law Under Lockdown. The Impact of COVID-19 Measures on Access to Justice and Vulnerable People* (London: The Law Society, 2020). Janet Clark, *Research Report: Evaluation of Remote Hearings During the COVID-19 Pandemic* (London: HM Courts & Tribunal Service, 2021).

⁴¹ In relation to asylum cases, for example, substantive hearing lists were vacated from March to June 2020 – only Case Management Review hearings and immigration bail hearings were heard, and these were conducted mostly via telephone and video conference. Nick Gill, “Remote Justice and Vulnerable Litigants: The Case of Asylum,” in *Pandemic Legacies: Legal Responses to COVID-19 – Justice and Social Responsibility*, eds. Dave Cowan and Ann Mumford (Bristol: Bristol University Press, 2021), 27-39.

⁴² Law Society, *Law Under Lockdown*, 10.

⁴³ Newman, Mant, and Gordon, “Vulnerability, Legal Need and Technology,” 240.

⁴⁴ This is calculated on the basis of annual household income and average monthly legal aid fees. See Law Centres Network, *Law for All*, 24.

⁴⁵ *Ibid.*, 26.

⁴⁶ Newman, Mant, and Gordon, “Vulnerability, Legal Need and Technology,” 240.

⁴⁷ Law Centres Network, *Law for All*, 9.

⁴⁸ Sharon Collard, Elaine Kempson and Jamie Evans, *Bleak Expectations: The Ongoing Financial Impact of the Pandemic. Findings from the 5th Coronavirus Financial Impact Tracker Survey* (Bristol: abrdn Financial Fairness Trust, 2021).

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*, 5.

⁵¹ *Ibid.*, 7.

included a rise in demand for debt advice, as well as housing advice due to mounting rent arrears and the end of the moratorium on evictions that had been in place in the early part of the pandemic.⁵² As of July 2020, Shelter estimated that 227,000 adult private renters were at risk of eviction due to rent arrears accrued during the pandemic, bringing the total number of private renters in arrears close to half a million (double what it had been the previous year).⁵³ Both Citizens Advice Bureau and Law Centres Network reported an increase in tenants at risk of eviction seeking advice early. From January 2022 to March 2022, no-fault evictions were up 41% on the same period in 2020, before the pandemic restrictions started.⁵⁴

This upward trend in debt, rent arrears and evictions reflected not only the impact of the pandemic but also the exacerbation of household financial difficulties by the cost-of-living crisis. The cost-of-living crisis describes a dramatic fall in 'real' disposable income that has taken place in the UK since the autumn of 2021.⁵⁵ Despite the implementation of a package of support measures, households in

the UK have been severely affected.⁵⁶ The impact has been even more severe than the pandemic.⁵⁷ Increases in energy bills, transport and groceries, resulted in major cutbacks for the vast majority of households.⁵⁸ The number of people struggling to pay bills almost doubled, with a greater reliance on credit to get by. Like the pandemic, the cost-of-living crisis has disproportionately impacted groups that were already marginalised and struggling, particularly those with low incomes, social renters, single-parent households, and households with a disabled person.⁵⁹ Those on means-tested benefits, and especially those on Universal Credit with no earners in the household, are the worst affected.⁶⁰ This has led to heightened levels of food poverty: Trussell Trust also recorded a 14% increase in the use of food banks from the previous year.⁶¹

In this context, demand for legal and advice services has only continued to increase. For instance, Citizens Advice are continuing to see much higher numbers than before the pandemic in most areas, including on 'cost of living' issues, evictions, homelessness, and debt, and more people are being referred to food banks and charitable support.⁶² They report that "[w]e've seen

⁵² This lasted from late March 2020 until late September 2020, with a delay in enforcement of evictions until January 2021 and a six-month notice period for evictions until March 2021. The Public Health (Coronavirus) (Protection from Eviction and Taking Control of Goods) (England) Regulations 2020. This protection did not extend to everyone and some illegal evictions took place despite the ban. Nonetheless, Law Centres reported as much as a 90% decrease in housing case intake in the early months of the pandemic. See Law Centres Network, *Law for All*, 12-13.

⁵³ Shelter, "230,000 Renters at Risk of 'COVID-eviction' When Government Ban Lifts," published July 6, 2020, https://england.shelter.org.uk/media/press_release/230000_renters_at_risk_of_covid-eviction_when_government_ban_lifts.

⁵⁴ Lucie Heath, "No-fault Evictions Increase 41% on Pre-Pandemic Levels," published May 20, 2022, <https://www.insidehousing.co.uk/news/no-fault-evictions-increase-41-on-pre-pandemic-levels-75705>.

⁵⁵ The immediate causes of the crisis include disrupted supply chains due to the pandemic, a sharp rise in fuel costs due to the invasion of Ukraine, and labour shortages occurring as a consequence of Brexit. Many also point to longer-term factors, particularly austerity, which suppressed wage and benefit levels. The year from August 2021 to June 2022 saw the rise of the consumer price index (CPI) by 9.1%, and by October 2022 this reached a peak of 11.1% its highest level since 1982. Jamie Evans and Sharon Collard, *Under Pressure: The Financial Wellbeing of Households in June 2022: Findings from the 6th Coronavirus Financial Impact Tracker Survey* (Bristol: abrdn Financial Fairness Trust, 2022), 3.

⁵⁶ This package included varying levels of support for individuals and businesses. Government support measures have totalled £169bn since 2020. Most of this extra spending went to individuals, at £100bn, with the remaining £69bn spent on business support schemes. Almost two-thirds of the total was spent in 2020/21 (£126bn). Phasing out began in the summer of 2021. When the £20 a week uplift ended there were 5.7m people on Universal Credit. Follow-on Kick Start and Restart programmes were launched to help under 25s job placements and for long-term unemployed UC claimants. See Thomas Pope and Peter Hourston, "Coronavirus: What Support Did Government Provide for Individuals and Businesses?," Institute for Government, published March 31, 2022, <https://www.instituteforgovernment.org.uk/explainer/coronavirus-economic-support-individuals>.

⁵⁷ Jamie Evans and Sharon Collard, *Prices Rising, Temperatures Falling: The Financial Wellbeing of UK Households in October 2022: Findings from the 7th Financial Fairness Tracker Survey* (Bristol: abrdn Financial Fairness Trust, 2022), 1; Jamie Evans and Sharon Collard, *Under Pressure*, 1.

⁵⁸ Jamie Evans and Sharon Collard, *Under Pressure*, 5.

⁵⁹ *Ibid.*, 9.

⁶⁰ *Ibid.*

⁶¹ The Trussell Trust, *End of Year Stats: 2021-22 Stories Report* (The Trussell Trust, 2022), 2.

⁶² Citizens Advice, "Cost-of-Living Data Trends," Citizens Advice, December 5, 2023, <https://www.citizensadvice.org.uk/policy/publications/cost-of-living-trends/>.

more people coming to us because they don't have enough money than ever before."⁶³ While the cost-of-living crisis has eased in recent months with inflation rates falling, it is far from over. Recovery has been uneven, and there has been little improvement for low-income households.⁶⁴

A local, qualitative approach to legal need

In the context of the upheaval caused by the pandemic and the cost-of-living crisis, this study takes a local, qualitative approach to studying legal needs amongst marginalised groups. The research sought to understand how the pandemic and cost-of-living crisis have impacted legal need amongst marginalised groups as well as develop a better understanding of the role of trusted intermediaries and public legal education as part of wider ecosystems of legal support. An in-depth qualitative approach can augment the large-scale quantitative nature of most legal needs surveys by offering greater insight into the provenance and consequences of justiciable problems for marginalised groups.⁶⁵ Our approach has been designed, in part, to inform Central England Law Centre's (CELC) Rights in Community strategy as well as create a research-informed model to support wider frontline legal services to develop effective public legal education strategies with community groups. The Rights in Community strategy emerged from CELC's experience during the pandemic but reflects a longer-term shift in practice. It represents a significant effort to contend with the challenges that ever-increasing demand and increasingly scarce resources have created for legal and advice services. The experience in Coventry has relevance for communities across the country that are addressing similar challenges, often with even more limited

resources.⁶⁶ In this section, we provide a brief introduction to the local context and the circumstances that gave rise to the study, before turning to a consideration of early intervention strategies and the specific methodological approach of this study.

Coventry is a diverse post-industrial city in the West Midlands with a population of nearly 350,000.⁶⁷ It is at once a dynamic and culturally rich city, and a city with persistent and significant levels of deprivation and poverty: more than a quarter of Coventry's neighbourhoods are in the top 20% most deprived in the United Kingdom.⁶⁸ The impact of the pandemic and the cost of living crisis in Coventry reflect their impact nationally. As Ron Martin has argued, "[w]hat the COVID-19 pandemic has done, in all the advanced economies, not just the UK, is to further expose and intensify spatial inequalities that had been developing for some time previously."⁶⁹ During the pandemic, local advice agencies in Coventry experienced similar trends as those observed nationally. As CELC reflected, the pandemic

"has had a disproportionate effect on people who were already disadvantaged in Coventry and Birmingham [...] [and] force[d] even more people into hardship resulting in an increase in demand for the services Central England Law Centre provides to the community."⁷⁰

⁶³ Charlotte Rennie, "The Numbers Behind the Stories - We Are Citizens Advice," *Medium*, published March 2, 2023, <https://wearecitizensadvice.org.uk/the-numbers-behind-the-stories-3169187d76d1>.

⁶⁴ Jamie Evans et al., *Bumpy Road to Recovery: The Financial Wellbeing of UK Households in May 2024: Findings from the 10th Financial Fairness Tracker Survey* (Bristol: abrd Financial Fairness Trust, 2024).

⁶⁵ OECD/Open Society Foundations, *Legal Needs Surveys and Access to Justice* (Paris: OECD Publishing, 2019), 30.

⁶⁶ As we explore in section 1, Coventry has the largest law centre in the country as well as two advice agencies. However, demand for these services far exceeds their supply.

⁶⁷ Office for National Statistics, "How the Population Changed in Coventry: Census 2021," published June 28, 2022, <https://www.ons.gov.uk/visualisations/censuspopulationchange/E08000026/>. The latest estimates place this at closer to 380,000, see Coventry City Council, "Population and Demographics," accessed September 8, 2023, <https://www.coventry.gov.uk/facts-coventry/population-demographics>.

⁶⁸ Office for National Statistics, "Exploring Local Income Deprivation," published May 24, 2023, <https://www.ons.gov.uk/visualisations/dvc1371/#/E08000026>.

⁶⁹ Ron Martin et al., *Levelling Up Left Behind Places: The Scale and Nature of the Economic and Policy Challenge* (London: Routledge, 2021), 17.

⁷⁰ Central England Law Centre, "Rights in the Community: Narrative for Theory of Change," Internal Document (2020), 1.

There were dramatic increases in demand for welfare benefits advice (particularly Universal Credit) and employment, as well as domestic abuse and family law issues.⁷¹ Local services adapted by quickly shifting to online and telephone advice. CELC set up a specially dedicated COVID helpline.⁷² Half of the calls they received involved at least two issues, and the majority required specialist advice to deal with their issue. Reflecting on this surge in demand, CELC noted that

"[t]he pressures of lockdown have forced many people whose coping strategies are precarious into crisis. The people we have helped have typically been in extreme need... [w]hat has also been clear is that many of them could have been helped earlier."⁷³

Since the pandemic, demand has only continued to rise year on year, and enquiries have risen very sharply in the past year, far exceeding the levels seen before or during the pandemic.⁷⁴

The pandemic and continuing increases in demand have driven changes to CELC's services. While specialist legal advice and support for clients remains the core of their work "community outreach, public legal education, partnership working, and strategic policy influence have become increasingly prominent."⁷⁵ Rights in Community incorporates their investment in "wider social action with the aim of creating a shift in how legal rights and protection are understood and used by the communities we work in," moving from short-term projects to a long-

term strategy and "comprehensive organizational approach [...] driven by the most significant needs of our community."⁷⁶ This includes a focus on 'early action' as well as collaboration with local community organisations to embed 'rights-based approaches', as well as efforts to reduce the systemic drivers of legal need.

The law centre's strategy is built around underlying notions of early intervention, public legal education and work with community organisations. These approaches have become increasingly important to make scarce provisions reach further, not just for CELC but the advice sector as a whole. They hold a great deal of potential but there are also limitations and challenges in existing research and practice.

Early intervention, public legal education and trusted intermediaries

Early intervention in the context of legal needs aims to identify and address problems at the earliest possible opportunity. It seeks to provide assistance, "at the earliest point possible in a problem's life course," to prevent it from escalating, or even occurring in the first place.⁷⁷ This can mean intervening before a problem has entered the legal domain, but it also increasingly means looking to the wider circumstances in which a problem might arise. This might include considering life transitions such as bereavement or entering and leaving relationships or groups that are most prone to experiencing problems and least likely to secure a favourable outcome. Policy interventions have sought to focus on reducing disadvantage and tackling increasingly constrained public finances and limitations on overall legal assistance.⁷⁸ Early intervention potentially offers the opportunity to broaden reach and reduce costs:

⁷¹ Coventry Citizens Advice, *80 Years of Serving Our Community: Improving Lives in Coventry 2020/21* (Coventry: Coventry Citizens Advice, 2021), 8; and Central England Law Centre, "Impact of Covid and Demand and Service in Coventry," Report to Coventry City Council (July 2020), 1.

⁷² Central England Law Centre, "Impact of Covid and Demand and Service in Coventry," 1. The primary presenting issues were welfare benefits, housing issues including rent arrears, money problems, immigration issues, family law, council tax, employment issues and access to free school meals.

⁷³ Ibid.

⁷⁴ While in 2021-2022, the total number of enquiries was lower than during the pandemic (5285, with 1223 turned away), in 2022-2023 this figure has surged to levels that exceed those seen during the pandemic (5,979, with 1108 turned away). In 2023-2024, enquiries have risen to over 9,000. Data drawn from quarterly reports to Coventry City Council.

⁷⁵ Central England Law Centre, "Rights in the Community," 1.

⁷⁶ Ibid.

⁷⁷ Pascoe Pleasence et al., *Reshaping Legal Assistance Services: Building on the Evidence Base* (Sydney: Law and Justice Foundation of New South Wales, 2014), 28.

⁷⁸ Ibid., 102.

"[...] the appeal of early intervention is twofold. It first lies in the prospects of early intervention preventing the escalation of matters through the legal system. In the pursuit of this goal, it is secondly anticipated to provide cost-effective justice options for a greater range of clients and issues."⁷⁹

Early intervention may also look to address the wider issues that produce legal need in the first place, through "systemic early intervention."⁸⁰ These approaches recognise that "the capacity of legal assistance services to directly prevent problems from occurring at the individual level may be limited."⁸¹ However, there is scope for a more broadly conceived legal support sector to prevent escalating legal need for marginalised groups. This recognises the importance of legal and advice services in identifying the most common and consequential issues impacting on disadvantaged groups and influencing change through strategic litigation as well as law and policy reform.

There are a range of practical and conceptual challenges for early intervention approaches, particularly for disadvantaged and marginalised groups. These include the difficulty of determining what constitutes early, particularly when many people are already struggling or in crisis: "... for very disadvantaged people, problems themselves may have long and complex histories, making it difficult to identify 'early' and to disentangle legal from other related issues."⁸² In addition, problems do not progress in linear ways, or they may be difficult to anticipate. Early intervention for disadvantaged and marginalised groups must also contend with the barriers that make timely access to assistance difficult in the first place, such as fear and shame, not believing the law can help, or simply having other, more pressing priorities.⁸³ People who are marginalised are

likely to experience multiple, complex problems that may require more specialist advice because they have escalated. As such, forms of early intervention that focus primarily on intervening at early stages and preventing problems may not be well-suited to their needs.

In light of these challenges, it has been widely recognised that people from disadvantaged groups may require more bespoke and holistic forms of outreach.⁸⁴ Such approaches offer the opportunity to meet their legal needs through a "better matching of legal capability" with "targeted and tailored" services.⁸⁵ This is why public legal education and the role of trusted intermediaries working in collaboration with legal and advice services are so integral to meaningful early intervention for marginalised groups. Public legal education (PLE) describes a broad range of initiatives and services aimed at supporting the identification and resolution of legal issues both at an individual and collective level.⁸⁶ Specific goals of PLE include increasing awareness and understanding of legal rights and processes, improving understanding and uptake of advice and legal assistance, increasing skills and confidence to take effective action when problems occur, and preventing the escalation of legal disputes. Additional goals involve increasing participation in the justice system, law reform and democratic engagement. It aims to develop legal capability, defined as the knowledge, skills and attitudes needed to deal with law-related problems. By fostering legal capability, public legal education can empower "individuals and communities, enabling them to take more control over their lives, deal with their problems, participate in the democratic process, and get involved in shaping the decisions that affect them."⁸⁷ It can involve a wide range of activities

⁷⁹ Ibid., 103. In the United Kingdom, early intervention and early legal advice have been the focus of recommendations by a series of legal support and access to justice commissions including the Law Commission (2014), the Bach Commission (2017) and more recently by The Westminster Commission of Legal Aid (2021).

⁸⁰ Suzie Forell, *Is Early Intervention Timely?* Justice Issues 20 (Sydney: Law and Justice Foundation of New South Wales, 2015), 9.

⁸¹ Ibid.

⁸² Pleasence et al., *Reshaping*, 108.

⁸³ Suzie Forell, *Early Intervention*.

⁸⁴ Suzie Forell and Abigail Gray, *Outreach Legal Services to People with Complex Needs: What Works?*, Justice Issues 12 (Sydney: Law and Justice Foundation of New South Wales, 2009).

⁸⁵ Pleasence et al., *Reshaping*, 122.

⁸⁶ Sharon Collard et al., *Public Legal Education Evaluation Framework* (Bristol: Personal Finance Research Centre, University of Bristol, 2011); Lisa Wintersteiger, *Legal Needs, Legal Capability and the Role of Public Legal Education* (The Legal Education Foundation, 2015).

⁸⁷ Advicenow, "What Is PLE?," Advicenow, November 20, 2019, accessed October 1, 2024.

including information guides and leaflets, workshops and training programmes, films and podcasts as well as cultural events, peer education, outreach programmes, and school-based learning. It increasingly involves the use of digital information and support. In many jurisdictions, this has blurred distinctions between information, advice and more formal sources of legal representation.⁸⁸ Digital solutions such as online help for divorcing couples, document automation tools and triage to online advice and legal apps have become increasingly prominent as technological advances have allowed for enhanced interactivity and responsiveness.⁸⁹ Chatbots, digital assistants and other AI developments have also emerged, which impact how and where individuals search for solutions to their legal issues.⁹⁰

PLE has become an established feature of national strategies to meet legal needs, with a rise in policy and interest in associated delivery models to ameliorate the impact of reduced public expenditure on traditional legal assistance models.⁹¹ Increased demand for legal help and a growing evidence base on the extent and scale of legal need, and the low levels of legal capability across jurisdictions, have also focused interest in the role and value of person-centred and bottom-up approaches to addressing legal need and

producing access to justice solutions.⁹² Discreet interventions aimed at reaching marginalised groups have evolved to include hybrid models that unpack or unbundle a full-service legal model with combinations of self-help and limited expert legal advice.⁹³ While the evidence base surrounding legal needs and legal capability has grown, there remains a paucity of rigorous evidence of the impact and efficacy of PLE interventions.⁹⁴ Evidence from systematic literature reviews points to the capacity of well-designed PLE initiatives to increase the legal capability of participants by enhancing the knowledge and confidence of individuals.⁹⁵ Evidence also points to the effectiveness of PLE in encouraging early action, and in family law settings the capacity to influence behaviour change has also been identified. Understanding longer term outcomes, hindered by continuing difficulties in securing the necessary research investment balanced with the scale of interventions and suitable comparisons, remains a pressing problem. Nevertheless, the uptake of digital legal information has continued to grow. This has led to better understanding of the types of resolution strategies that are used, along with the associated outcomes, and provided growing insights into the range of integrated strategies that can be used to good effect to meet the needs of different groups across a range of legal problem types.⁹⁶

PLE interventions need to be targeted with careful consideration of the distinct socio-demographic features of particular groups and the varying capabilities and capacities of individuals. For the most disadvantaged, signposting and awareness-raising to sources

⁸⁸ Hugh McDonald, "Accessing Access to Justice," 715; Hugh McDonald, Suzie Forell and Zhigang Wei, *Uptake of Legal Self-help Resources: What Works, for Whom and for What?*, Justice Issues 30 (Sydney: Law and Justice Foundation, 2019). Law For Life – Advicenow, *Research Briefing: Affordable Advice Service: Building the Evidence Base for Early Legal Support for Litigants in Person* (Law for Life, 2022).

⁸⁹ Esmée Bickel, Marian van Dijk and Ellen Giebels, *Online Legal Advice and Conflict Support: A Dutch Experience* (University of Twente, 2015); Suzie Forell and Hugh McDonald, *Beyond Great Expectations: Modest, Meaningful and Measurable Community Legal Education and Information*, Justice Issues 21 (Sydney: Law and Justice Foundation, 2015); HiiL, *Use of Digital Technologies*.

⁹⁰ Roger Smith, *Digital Delivery of Legal Services to People on Low Incomes*, Annual Report on Developments 2017-18 (The Legal Education Foundation, 2018); Margaret Hagan, "Supplementary Material from 'Towards Human-centred Standards for Legal Help AI'". The Royal Society, January 18, 2024.

⁹¹ House of Commons Library, "Public Legal Education," Number CDP-2018-0119, May 11, 2018.; Suzie Forell and Hugh McDonald, *Beyond Great Expectations*; Lisa Wintersteiger, *Legal Needs, Legal Capability*; PLEAS Task Force, *Developing Capable Citizens: The Role of Public Legal Education* (PLEAS Task Force, 2007).

⁹² Daniel Bernal and Margaret Hagan, "Redesigning Justice Innovation: A Standardized Methodology," *Stanford Journal of Civil Rights & Civil Liberties* 16, no. 2 (2020).

⁹³ Solicitors Regulation Authority, *Unbundled Services Pilot: Final Report* (Solicitors Regulation Authority, 2023). Law for Life – Advicenow, *Affordable Advice Service Pilot Evaluation Report* (Law for Life, 2021).

⁹⁴ Ania Wilczynski, Maria Karras and Suzie Forell, *The Outcomes of Community Legal Education: A Systematic Review*, Justice Issues 18 (Sydney: Law and Justice Foundation of New South Wales, 2014); Lisa Wintersteiger et al., *Effectiveness of Public Legal Education Initiatives: A Literature Review* (London: Legal Services Board, 2021); Hugh McDonald, Suzie Forell and Zhigang Wei, *Uptake*.

⁹⁵ Ibid.

⁹⁶ Pleasence et al., *How People Understand*, 133-138. Hugh McDonald, "Assessing Access to Justice: How Much "Legal" Do People Need and How Can We Know?," *UC Irvine Law Review* 11, no. 3 (2021): 712.

of advice may be most appropriate where legal capacity levels are particularly low, whereas targeting at the problem level offers the potential to intervene where power imbalances are prevalent and attempts to find advice have failed.⁹⁷ Supported self-help may be best for those who are more legally capable.⁹⁸ However, while an appreciation of varying levels of legal capability and the forms of action this enables is essential to determining the right forms of support, public legal education is an important aspect of interventions across the spectrum of capabilities. In particular, strategies that are focused on supporting marginalised groups may turn to the wider community as a resource. A growing national and international body of literature focuses on the role and value of working through “trusted intermediaries.”⁹⁹ Trusted intermediaries are “people who are known and trusted [...] who can be a bridge [to] legal support or other information or services.”¹⁰⁰ This often refers to people who work or volunteer in frontline, non-legal community organisations, but it can also include a much wider group including civil servants, health workers, important community figures and even friends and family. This role has become increasingly important as legal services have diminished through a combination of underinvestment and commissioning failures and formal advice has become vanishingly scarce in the context of austerity.

Research in Canada has pointed to the value and potential of working with trusted intermediaries: “the community itself can be engaged in partnerships that become a critical resource for narrowing the justice

gap.”¹⁰¹ They offer a way to engage with marginalised communities that may be reluctant to access or that are excluded from traditional services, insight into their problems and experiences, and the opportunity for collaboration with legal and advice services, as part of a wider ecosystem of access to justice.¹⁰² This work draws attention to the importance of outreach through “the social organisation of helping” that already exists in communities, as well as the demonstrable potential of reaching more people this creates. It points to the importance of recognising a shared interest between legal services and community organisations in addressing the legal dimensions of the challenges that people face, and it shows how collaborations can help break down barriers. However, they note that “successful partnering may not come entirely automatically,” and there is a need to develop legal capability amongst trusted intermediaries.¹⁰³

The role of specialist legal and advice services remains critical to approaches involving trusted intermediaries. Many tasks involved in legal processes require specialised knowledge and skills.¹⁰⁴ Collaboration and the ability to decide when specialist help is needed are key to the success of strategies involving trusted intermediaries.¹⁰⁵ “Collaborative partnerships between community legal clinics and community organizations can lay the foundation for holistic and integrated approaches to service delivery to clients and to strengthening communities.”¹⁰⁶

In the UK, Advicenow’s recent research indicates that trusted intermediaries already undertake many activities to support people dealing with law-related issues, including

⁹⁷ Nigel Balmer et al., *Knowledge, Capability and the Experience of Rights Problems* (Legal Services Research Centre, 2010), 57-64.

⁹⁸ Ibid., 58; Hugh McDonald, Suzie Forell and Zhigang Wei, *Uptake*, 3.

⁹⁹ See Ab Currie, “The Needs of Helping Organizations in the Community,” *Canadian Forum on Civil Justice* 5 (2021); Karen Cohl et al., *Trusted Help: The Role of Community Workers as Trusted Intermediaries Who Help People with Legal Problems* (Toronto: Law Foundation of Ontario, 2018); Sophie Clarke and Suzie Forell, *Pathways to Justice: The Role of Non-Legal Services, Justice Issues* (Sydney: Law and Justice Foundation of New South Wales, 2007).

¹⁰⁰ Ibid., 8.

¹⁰¹ Ab Currie, *The Community Being Helped is the Resource that is Needed to Extend Access to Justice to the Community* (Toronto: Canadian Forum on Civil Justice, 2020) 2.

¹⁰² Ibid.

¹⁰³ Ibid., 13.

¹⁰⁴ Julie Mathews and David Wiseman, *Community Justice Help: Advancing Community-Based Access to Justice* (Toronto: Community Legal Education Ontario, 2020), 36.

¹⁰⁵ Ibid., 37.

¹⁰⁶ Currie, *The Community Being Helped*, 5.

signposting, referrals and practical support.¹⁰⁷ Their work has also demonstrated the effectiveness of training for trusted intermediaries.¹⁰⁸ However, the continuing funding constraints that hamper the growth of delivery and evaluation of PLE means there remain many gaps in understanding what works and for whom. In particular, recommendations from previous research efforts identify the need to establish the wider outcomes secured by interventions through longitudinal research, the difference that intermediaries can make and the potential for achieving behaviour change for recipients of PLE interventions.¹⁰⁹ These gaps, in turn, undermine advances in early intervention strategies.¹¹⁰

This study contributes to understanding what works and for whom by examining how legal consciousness informs how individuals engage with issues of rights and the law, how prior life experience frames approaches to legal problems and how problem resolution strategies emerge within complex interrelating clusters of problems. The study also provides insights into how community organisations working with disadvantaged groups, within a wider ecosystem of legal support, have responded to legal problems in practice.

Methodology

This study takes a qualitative, socio-legal approach to studying legal need, focusing specifically on the experiences of marginalised groups, and working closely with local community organisations.¹¹¹ Qualitative approaches provide valuable

insights that help to contextualise quantitative data from large-scale studies, explore aspects of legal need that are not readily quantifiable, and enable a focus on the experiences of people who are marginalised, particularly groups who are often missing from large-scale studies.¹¹² A qualitative approach can be particularly useful at a local level, where research can support local strategies for access to justice. The contextualised understanding of legal need offered by a qualitative approach helps to support CELC's Rights in Community and wider early intervention strategies by offering insight that is "grounded" in the realities and experiences of people in Coventry who are marginalised.¹¹³ It is widely recognised that in-depth, qualitative research contributes to understanding the experiences of

¹¹² See Alexy Buck and Liz Curran, "Delivery of Advice to Marginalised and Vulnerable Groups: The Need for Innovative Approaches," *Public Space: The Journal of Law and Social Justice* 3, no. 7 (2009). For example, people experiencing homelessness, people with precarious immigration statuses, and people with complex needs. See Pascoe Pleasence, Nigel Balmer and Rebecca Sandefur, *Paths to Justice: A Past, Present and Future Roadmap* (London: UCL Centre for Empirical Legal Studies, 2013).

¹¹³ Pascoe Pleasence and Nigel Balmer, "Justice & the Capability to Function in Society," *Daedalus* 148 (2019): 141. We primarily use the term marginalisation in this study, rather than for example, multiple deprivation or disadvantage. We find marginalisation to be a useful term in this context because it links to a broader notion of social exclusion, with the more specific connotation of exclusion from power, "...marginal is a relative construct denoting deviation from some notion of normality, centre, or power." See Aaron Taylor, "The Marginalization of Black Aspiring Lawyers," *FIU Law Review* 13, no. 3 (2019): 493. There are important and useful links between marginalisation and critical pedagogy. bell hooks, for example, identifies "marginality as much more than a site of deprivation [...] it is also the site of radical possibility, a space of resistance." Bell Hooks, "Marginality as a Site of Resistance," in *Out There: Marginalization and Contemporary Cultures*, eds. R. Ferguson, et al (Cambridge MA: MIT Press, 1990). In contrast, multiple disadvantage is a more technical term that refers to the intersection of specific disadvantages (e.g. homelessness, etc). See Glen Bramley and Suzanne Fitzpatrick, *Hard Edges: Mapping Severe and Multiple Disadvantage (England)* (London: Lankelly Chase Foundation, 2015). All of the participants in the study face forms of marginalisation due to issues such as poverty, disability and migrant status; and some of the participants were facing multiple disadvantages more specifically.

¹⁰⁷ Law for Life – Advicenow, *Evaluation Report: Law for Life Regional Courses on Housing Rights for Women* (Law for Life, 2021). See also Liz Griffin, *Using Law and Human Rights Based Approaches for Social Change* (London: The Baring Foundation, 2020).

¹⁰⁸ Liz Mackie, *Law for Life: Legal Capability for Everyday Life Evaluation Report* (Law for Life, 2013). Liz Mackie, *Evaluation of Public Legal Education for Advice Champions in the Community Links Early Action Advice Project* (Law for Life, 2015).

¹⁰⁹ Lisa Wintersteiger et al., *Effectiveness*; Ania Wilczynski, Maria Karras and Suzie Forell, *Outcomes*; Nigel Balmer et al., *Knowledge*, 61.

¹¹⁰ Hugh McDonald, "Accessing Access to Justice," 717.

¹¹¹ The study was granted full ethical approval by the Humanities and Social Sciences Research Ethics Committee at the University of Warwick in February 2022.

marginalised groups¹¹⁴ and can delve into “practical impediments for the marginalized, which can stem from systemic problems with administration, laws, and people's actual experiences with the system.”¹¹⁵

The study draws on the University of Warwick's research capacity as an ‘anchor institution’ as well as the expertise of the national public legal education charity Advicenow to support a local strategy for addressing the legal needs of marginalised groups.¹¹⁶ Our approach builds on CELC's partnership work with local community organisations, which underpins the Rights in Community strategy, recognising their integral role in supporting people to access justice. In the context of this study, trusted intermediaries provide invaluable insight into the experiences of marginalised groups and the challenges they face, often navigating these same challenges alongside them. They also provide a “trusted” pathway for researchers seeking to speak directly with people in the community who might not otherwise participate in research. We adopted a participatory approach to working with the Central England Law Centre and local organisations,¹¹⁷ informed by principles of co-production in community-based research.¹¹⁸

The study consisted of two main phases. The first involved recruiting a group of local trusted intermediary organisations and conducting interviews with a group of staff and stakeholders from each organisation. The organisations were then asked to help identify individuals who they had supported

to participate in a second round of interviews. This approach allowed us to explore the perspective of trusted intermediaries and understand the issues and needs they see on a daily basis, as well as the experiences of individuals trying to deal with problems and navigate sources of support in Coventry. Alongside this, we conducted desk-based research to better understand the background and context of legal need in Coventry.

Selection of community organisations and marginalised groups

Our approach to the identification of marginalised groups has been guided by the integral role of intermediary organisations in the design of the study. In consultation with CELC, we identified potential organisations to participate in the study who work directly with marginalised groups, aiming to have diversity, informed by the findings of prior large-scale legal needs studies in the UK which point to a range of characteristics that correlate with the likelihood of experiencing particular types of law-related problems.¹¹⁹ Local knowledge and insight from CELC were also essential in this process. As Pleasence et al suggest, “local knowledge and understanding must be allowed to feed into the needs assessment process...” not least because “...individuals, communities and organisations at the local level are generally more adequately equipped than centralised bodies to pinpoint specific areas of need, with specific requirements, and advise how best to manage that need.”¹²⁰

It was also important that the organisations were interested in addressing local legal need and fostering rights-based approaches in their work. We recruited seven local organisations to participate in the study. All of them had some relationship with CELC prior

¹¹⁴ See Liz Curran and Mary Anne Noone, “The Challenge of Defining Unmet Legal Need,” *Journal of Law and Social Policy* 21, no. 1 (2007): 82; Rosemary Hunter, “Commentary on Hazel Genn, Paths to Justice: What People Do and Think about Going to Law” (Paper presented at Managing Justice Conference, Sydney, 18-20 May 2000), 8-9.

¹¹⁵ Curran and Noone, “Unmet Legal Need,” 75.

¹¹⁶ See Eugenie Birch, David C Perry, and Henry Louis Taylor, “Universities as Anchor Institutions,” *Journal of Higher Education Outreach and Engagement* 17, no. 3 (2013): 7-15.

¹¹⁷ Mary Stratton, *Reaching Out with Research: Engaging Community in Mapping Legal Service Accessibility, Effectiveness and Unmet Needs* (Canadian Forum on Civil Justice, 2008).

¹¹⁸ Catherine Dunrose et al., *Transforming Local Public Services Through Co-production* (University of Birmingham/Arts & Humanities Research Council, 2013).

¹¹⁹ See for instance Pascoe Pleasence et al., *How People Understand*.

¹²⁰ Pleasence et al., *Local Legal Need*, 39.

to the study.¹²¹ However, levels of prior engagement with CELC varied considerably, with two organisations involved in an ongoing collaboration (Coventry Women's Partnership). The marginalised groups included in the study reflect the respective focuses of the intermediary organisations in the study, introduced below.

- Youth experiencing/at risk of homelessness/in supported temporary accommodation
- Women subject to social exclusion and poverty, women at risk of and subject to sexual exploitation
- People affected by severe mental illness
- People accessing food banks and reduced cost food
- Migrants, refugees and asylum-seekers in poverty

These groups include multiple identities and intersections of gender, age, race and ethnicity, disability and migrant status, as well as life experience, within them. In this sense, our approach focuses broadly on capturing a type of experience - that of struggling to deal with legal problems from a position of marginalisation - rather than a specific type of person as such, while also exploring how their experiences relate to identity and social position.¹²²

Importantly, while these groups - and the demographics of the participants- are diverse, there was no expectation that these groups would reflect all or even the most marginalised groups in the city. We are conscious that this approach means that some voices and experiences will be absent from this study, in particular those reflected in more grassroots organisations as well as

specific groups that would likely benefit from a more tailored approach (for instance, Gypsy, Roma and Traveller communities in Coventry), and there is scope for further work to ensure their needs are understood. Below we offer a brief introduction to each of the organisations that have participated in the study.

¹²¹ This could also be considered a form of convenience sampling insofar as we rely on existing relationships, firstly between CELC and organisations in the community, and then between those organisations and people they support, to identify participants. For a discussion of convenience sampling in the context of legal needs research, see Robyn Powell et al., "Responding to the Legal Needs of Parents with Psychiatric Disabilities: Insights from Parent Interviews," *Minnesota Journal of Law & Inequality* 38 (2020): 69-114.

¹²² This could be described as "sampling for meaning." See Mark Luborsky and Robert Rubinstein, "Sampling in Qualitative Research," *Research on Aging* 17, no. 1 (March 1995): 89-113.

Carriers of Hope is a charity founded in 2009 that provides practical support to refugees, asylum seekers and economic migrants in Coventry facing poverty, many of whom are not eligible for other forms of public benefit. With a small core team of mostly part-time staff (~15) and a wider team of volunteers, they help supply essentials such as furniture and other household items to people who have been placed in unfurnished or ill-equipped homes, provide kits to new and expectant mothers, and they run group sessions for children where they can play and learn English. They run a weekly World Foods Hub in partnership with a local church which provides culturally relevant food to members and their families for a significantly reduced cost. They offer opportunities for individuals to connect with others in the community while also receiving support and advice on their individual circumstances. In 2022, nearly 800 individuals had contacted their Client Helpline, and the WorldFoods Food Hub distributed more than 3500 family bags of groceries, while 578 families received items from their Furniture Project.

Coventry Foodbank is a project of Feed the Hungry, UK, a Christian charity that had been primarily focused on international aid and disaster relief before taking over operational responsibility for Coventry Foodbank from the Trussell Trust in 2021. It has a small group of core staff and runs 15 foodbank distribution centres at churches across the city with the support of volunteers, as well as a central operational centre. It is one of the largest food banks in the UK and provides food to feed approximately 25,000 people per annum (and close to 40,000 during the pandemic). Their main mission is to prevent people from going hungry through the provision of three-day emergency food parcels. Those who attend the foodbank are encouraged to seek support through one of their 300 referral partners around the city who can issue a referral code that can be presented at one of the foodbank distribution centres. Coventry Foodbank is increasingly looking to support people to address the issues that have led them to need emergency food and offer additional support through its Pathfinder programme. This includes a bespoke digital tool called Step that volunteers use to construct a tailored signposting report for people accessing the foodbank and a call-back service.

Feeding Coventry is a charity set up in 2019 that is dedicated to building food resilience in Coventry by providing new and alternative ways to support people to deal with the complex issues underpinning hardship. They have a small core staff team as well as volunteers, many of whom are also members. Their main activities centre on a 'social supermarket' opened at the Foleshill Community Centre in March 2020, just before the start of the first national lockdown. The social supermarket provides affordable, good-quality food to people who can become members and shop for £5 a week. They feed an estimated 300-400 people each week. Members also have access to wraparound support including debt advice and well-being. Specialist advice services are provided by the Coventry Independent Advice Service, and staff support workers provide practical support and advocacy for members. Feeding Coventry also runs a wide array of programmes including gardening workshops, cooking classes and creative projects. They are a strategic partner of Coventry City Council in the delivery of Holiday Activities and Food (HAF) programme.

Foleshill Women's Training (FWT) is a women-only organisation in Coventry. They aim to empower and support women in realising their goals and aspirations. Part of this involves providing a safe space for women of all backgrounds to access education, training, healthcare, and employment opportunities. FWT offer a variety of services and support depending on individual needs. The team run employment programmes and also offers a range of other skills-based programmes, including courses on health and well-being, and ESOL (including Pre-Entry ESOL). Other projects include the MAMTA project, which educates new and expecting mothers on child and maternal health. Perinatal mental health support is available for women experiencing feelings of loneliness, low mood, anxiety, or depression. The Lost Pathways team supports women experiencing trauma and poor mental health following the loss of a baby. FWT also offer specialist support to refugee women through a Resettlement project. The organisation has connections with other specialist services and FWT is the lead partner for Coventry Women's Partnership.

Kairos Women Working Together (Kairos) is a specialist organisation in Coventry established in 1999, run by women, for women. They provide holistic, trauma-informed, open-ended support and advocacy for women who are subject to or at risk of sexual exploitation; including women who face multiple disadvantages and have 'complex' unmet needs. Their work extends across four main service areas focused on young women, women over 25, women who are homeless or at risk of homelessness, and women involved in the criminal justice system. They have a small staff of 14 which includes a team of Support and Advocacy Practitioners as well as a Specialist Housing Practitioner and a Specialist Justice Practitioner. In 2023-2024, they supported more than 250 women. They offer a wide range of support at their Women's Hub and in the community, including evening street-based outreach and drop-in, crisis intervention, one-to-one practical and emotional support, peer support and mentoring, discussion and support groups, and a weekly multi-agency drop-in. They are part of the Coventry Women's Partnership which includes facilitating access to free legal advice from the Central England Law Centre.

Rethink Mental Illness is a national charity that aims to improve the lives of people severely affected by mental illness. They offer a range of services including helplines, advice and information services, a prison service, advocacy, accommodation services and employment support. In Coventry and Warwickshire, their work focuses predominantly on employment-related support through their Individual Personal Support. These services are available to anyone who is in or has been part of Secondary Mental Health Services, to help them find employment or maintain employment. They support around 800 people per year. The people they support have access to job coaches who are on hand to assist with CV writing, job searching, and applications, as well as access to training and skills development opportunities. They offer practical support such as help to obtain suitable clothing for work. They also work directly with employers to facilitate employment opportunities. They collaborate and work closely with community mental health teams as well as local job centres to reach people and ensure access to more holistic support.

St Basils is a charity that supports young people aged 16-25 across the West Midlands who are either homeless or at risk of homelessness. In Coventry, they offer homelessness prevention services as well as 'floating' housing support and supported accommodation, with an emphasis on early intervention and prevention. In 2022-2023 they supported more than 200 young people in Coventry, who reached them both through self-referral and referral from other agencies. Many of the youth they support are care leavers or refugees. While their focus is on housing and homelessness, they provide more holistic support and advocacy particularly around mental health, employment and education to facilitate independent living. This includes providing access to life skills training, facilitating access to specialist services through their partnerships, and promoting youth civic engagement. Most recently they have created the St Basils Youth Hub in Coventry, which serves as a single point of access to prevention services for young people in Coventry.

Selection of individual participants

Once the organisations were in place, we conducted interviews with a group of staff, volunteers and stakeholders at each organisation (n = 43). They included predominantly frontline staff in a variety of roles, such as support workers, project workers and caseworkers, as well as people in more strategic roles. In a few instances, very active volunteers and board members also participated, depending on the organisation and who they thought best placed to contribute to the discussion. The interviews provided an opportunity to get to know the organisations and find out about potential areas of legal need. They were also an important step in identifying people they support who would be invited to participate in the second round of interviews. We were then able to use a purposive sampling process, working with the intermediary organisations and drawing on the relationships and trust they have built with the people they support, to identify people with 'information rich' experiences.¹²³ To support the selection process, each organisation was provided with a summary of the key issues they had raised in the interview to help them identify potential participants. This process was guided by the following inclusion criteria discussed and agreed with the organisations in advance:

1. In general, we are looking to interview people you support or have supported who have struggled to deal with a law-related issue in the past two years.
2. Their experiences should be 'typical' of the most common patterns of issues you see, but they may also present particular challenges for you and/or have difficulty

accessing support. Their experiences may reflect wider dynamics in Coventry.

3. The issues they've experienced could be resolved or unresolved. However, we want to be mindful of vulnerabilities and avoid causing any further harm or trauma through the interview. If someone is currently in crisis, it is most likely not appropriate for them to participate in an interview. We also do not want to exclude anyone if additional support might enable them to participate.

Organisations had initial conversations with potential participants to gauge interest. Then they were asked to fill out a brief online form (which could also be a verbal conversation) to provide some basic anonymous information to the research team to ensure that potential participants met the inclusion criteria and to identify any particular support they would need to participate in the interview (e.g. interpretation or translated forms, easy read forms, travel costs, a supporter to sit in on the interview, etc.). We mitigated potential selection biases by discussing this approach with organisations in advance, emphasizing that the purpose of the interview was not to evaluate their organisations, as well as reviewing proposed participants on a rolling basis. In practice, we interviewed all of the participants the organisations proposed, with the exception of a small number of people proposed who ultimately did not participate for personal reasons.

Participant demographics

We interviewed a total of 35 individuals from across the seven organisations (4-6 each), all of whom met the inclusion criteria. The table on the next page provides an overview of their main characteristics.

¹²³ Michael Patton, *Qualitative Research & Evaluation Methods* (Thousand Oaks: Sage Publications, 2014). Purposive sampling methods have been used in other qualitative legal needs studies globally. See for example Fiona Allison et al., *Indigenous Legal Needs Project: NT Report* (Cairns: James Cook University, 2012), 25. The approach enables "information-rich data to facilitate insight into less quantifiable matters (such as cultural, historical, environmental and other issues) that impact on legal needs and the use of services, and into the attitudes and experiences of individuals towards those services." For a more recent example see Helen Close et al., "Qualitative Investigation of Patient and Carer Experiences of Everyday Legal Needs towards End of Life," *BMC Palliative Care* 20, no. 1 (2021): 47.

PARTICIPANT DEMOGRAPHICS

<p>Gender</p> <ul style="list-style-type: none"> • Female: 22/25 • Male: 13/35 	<p>Age</p> <ul style="list-style-type: none"> • 18-25: 7/35 • 25-34: 6/35 • 35-44: 12/35 • 45-59: 7/35 • 60-74: 3/35 <p>Age Range: 20-71</p>
<p>Ethnicity</p> <ul style="list-style-type: none"> • White British: 18/35 • Any other white: 4/35 • Black African: 5/35 • Asian: 3/35 • Arab: 5/35 	<p>Born in UK</p> <ul style="list-style-type: none"> • Yes: 19/35 • No: 16/35 <p>Immigration Status</p> <ul style="list-style-type: none"> • UK Citizen: 22/35 • Refugee Status: 3/35 • Asylum Seeker: 3/35 • Indefinite Leave to Remain: 1/35 • EU Citizen with Pre-Settled or Settled Status: 5/35 • No formal status: 1/35
<p>Health</p> <ul style="list-style-type: none"> • Long-term physical or mental health condition or illness: 28/35 <ul style="list-style-type: none"> ◦ Mental health condition or illness: 20/35 ◦ Physical health condition or illness: 14/35 ◦ Neurodevelopmental Disorder: 4/35 ◦ Learning Disability: 3/35 • Pregnancy: 2/35 	<p>Main Household Income Source</p> <ul style="list-style-type: none"> • Benefits: 22/35 • Work: 9/35 (income supplemented by benefits in 7/9) • Asylum Support: 2/35 • No formal income: 2/35 <p>Care Experienced: 3/35</p>
<p>Household Composition</p> <ul style="list-style-type: none"> • Lone parent families (F): 8/35 • Single (M): 7/35 • Single (F): 7/35 • Cohabiting, no children: 4/35 • Cohabiting, children: 7/35 	<p>Housing</p> <ul style="list-style-type: none"> • Social housing: 16/35 • Private renting: 4/35 • Temporary or supported accommodation: 9/35 • Owner/occupier: 2/35 (with two other participants living with them) • Homeless: 2/35

There are a few key demographic and socio-economic characteristics of participants to note as an outcome of our sampling method.

- Mental health conditions and illnesses affected a majority of participants, and many described physical health conditions. In the majority of cases, their conditions or illnesses limited them a lot. A smaller number of participants disclosed neurodevelopmental disorders and learning disabilities, and several were recovering from substance use disorders. Nine participants had a combination of at least two types of conditions. Two participants were pregnant at the time of the interview.

- Most participants were reliant on welfare benefits for their household income, with only a relatively small number in work (n=9). All of those claiming were economically inactive, most due to long-term disabilities and health conditions, with several others who were retired, looking after family, or temporarily sick.

- There was also a relatively high number of lone parents, all single women with children.

- Many participants lived in social housing. Nine participants were living in temporary and/or supported accommodation, and two were homeless at the time of the interview.

When discussing who they felt they could approach to participate in the study, staff from intermediary organisations reflected that it was usually those who were struggling the most that would not be able to participate, as well as people who they had only very recently started to support.

Approach to interviews

We conducted two rounds of interviews for this study, one with organisations (April 2022–June 2022) and another with individuals they had supported (October 2022 – February 2023). We started by interviewing a group of staff, stakeholders and volunteers from each organisation. These interviews explored broadly what the organisation does and who they support, before delving into more detail about how they offer support, the kinds of

legal and non-legal issues they see, and the challenges they and those they support face in trying to deal with them – focusing particularly on the period from March 2020 onward. These were followed by individual interviews with people the organisations had helped us to select, who had struggled to deal with law-related issues in the same time frame. We used semi-structured interview schedules with both organisations and individuals to allow for a more open-ended conversation which could be directed by the participants, with specific prompts and questions to encourage exploration of key areas.¹²⁴

Structure of the report

This research and analysis have sought to provide a contextualised account of the experience of legal need amongst marginalised groups in Coventry. The next section of the report offers a detailed account of Coventry as a post-industrial city, helping to locate this study in a particular socio-economic history. This highlights the structural nature of inequalities that produce legal need for marginalised groups and provides some indication of key areas of concern in the city. This is presented alongside an account of efforts to meet legal need in the city, through the history of legal and advice services. We focus on how these have evolved and changed, particularly as a result of austerity and the cuts to legal aid, exploring the persistent challenge of meeting the increasing demand for advice.

The subsequent sections of the report focus on our analysis of empirical data from interviews with trusted intermediaries and individuals they have supported. Interviews were transcribed and coded using a thematic approach, with some codes predetermined based on prior legal needs research and others emerging from a more reflexive process.¹²⁵ In section 2, we explore the perspective of trusted intermediaries, including who they support, the broader trends they observe and their experiences of supporting people to deal with law-related

¹²⁴ See Appendix B for interview schedules.

¹²⁵ Virginia Braun and Victoria Clarke, *Thematic Analysis: A Practical Guide* (Los Angeles: SAGE, 2022).

problems. Following this, our report focuses on the experiences of individuals in this study, examining four key areas: the experience of law-related problems; problem resolution strategies; legal consciousness and legal capability.

1. THE LANDSCAPE OF LEGAL NEED IN COVENTRY

Key Findings

1.1. Legal need amongst marginalised groups in Coventry reflects structural forms of poverty and inequality arising from its socio-economic history as a post-industrial city. The prevalence of low-paid and precarious jobs, alongside high levels of unemployment, high numbers of out-of-work benefits claimants, escalating mental health needs, and significant numbers of migrants and asylum seekers, drive heightened legal need in key areas of social welfare and family law, often but not exclusively concentrated in deprived areas. Legal need has been exacerbated by COVID-19 and the cost-of-living crisis.

1.2. The landscape of legal and advice services has changed dramatically as a consequence of austerity and the cuts to legal aid. Legal aid provision in the city has declined by 70% since the implementation of LASPO. Coventry City Council has been supportive of the sector, but local authority funding for legal and advice services has decreased considerably in real terms and faced significant cuts. While funding from trusts and foundations as well as corporate and contract-based funding in the sector has grown, it is usually project-based and time-limited, with specific difficulties in funding core costs and caseworkers. Demand for legal and advice services far exceeds their supply in all areas. There are particularly acute shortages in the areas of immigration, employment and private family.

Introduction

"Cov's my hometown, something will always just bring me back to Cov, I don't know what it is. Not that I want to be here, I don't want to be here" (R).

This study takes place in Coventry, a diverse city in the West Midlands with a population of nearly 350,000.¹ It is at once a dynamic and culturally rich city, and a city with persistent and significant levels of deprivation and poverty: more than a quarter of Coventry's neighbourhoods are in the top 20% most deprived in the United Kingdom.² It is a place where, as one participant describes, "you don't need to look for people to talk to, you don't need to look for people to help you. They are just right in front of you" (L). At the same time, there are significant levels of unmet legal need – exacerbated by COVID-19 and the cost-of-living crisis – which reflect the high levels of deprivation in the city, including high numbers of out-of-work benefits claimants, the prevalence of low-paid and precarious jobs, and substantial numbers of asylum seekers and refugees, amongst other factors. While Coventry is comparatively well-provisioned in terms of legal and advice services, demand far exceeds capacity. This introduction to Coventry focuses on the city's post-industrial history, the persistent forms of inequality this has produced, and how these translate into legal needs amongst marginalised groups. We provide a detailed background on the provision of legal and advice services in the city, highlighting the challenges of meeting legal need in the context of shifting political and economic circumstances.

Legal needs in a post-industrial city

In this section, we provide an overview of some of the main socio-economic and

demographic factors that shape patterns and experiences of legal need amongst marginalised groups in Coventry. As discussed in the introduction to this report, this reflects both that "certain problems are peculiar to disadvantage" and that "disadvantaged people have fewer resources to draw on and probably are less able to avoid or mitigate problems."³ However, the emergence of legal needs also reflects the increasingly complex web of rules and "a defining framework of civil law applicable to many problems of everyday social life and social well-being," that people find themselves caught up in.⁴

Like many post-industrial cities in the United Kingdom, Coventry has seen significant economic and social changes over the past eighty years. The city has moved from unprecedented prosperity in the post-war years, to deindustrialisation and economic decline in the 1970s and 1980s, to reconfiguration and gradual recovery in more recent years. Following WWII, Coventry was emblematic of the boom that swept the British economy, "in the minds of contemporaries it rose from the ashes of the war—the embodiment of a brave new world."⁵ It was "a symbol for post-war recovery, an architectural adventure, a show-place for visiting delegations."⁶ By the late 1950s, the city had the highest average wages in the country.⁷ This prosperity was due to its success in the automotive and manufacturing industries, which precipitated significant population growth and historically low levels of unemployment into the late 1960s. This was at times volatile due to short-term layoffs in the industry,⁸ but Coventry was also a "union stronghold" with estimates that up to 75,000 workers were unionised in the mid-

¹ Office for National Statistics, "How the Population Changed in Coventry: Census 2021," published June 28, 2022, <https://www.ons.gov.uk/visualisations/censuspopulationchange/E08000026/>. The latest estimates place this at closer to 380,000. See Coventry City Council, "Population and Demographics," accessed September 8, 2023, <https://www.coventry.gov.uk/facts-coventry/population-demographics>.

² Office for National Statistics, "Exploring Local Income Deprivation," published May 24, 2023, <https://www.ons.gov.uk/visualisations/dvc1371/#/E08000026>.

³ Hazel Genn, 'When Law Is Good for Your Health: Mitigating the Social Determinants of Health through Access to Justice'. *Current Legal Problems* 72, no. 1 (2019): 5.

⁴ Pascoe Pleasence, Alexy Buck, Nigel Balmer, Aoife O'Grady, Hazel Genn, and Marisol Smith, 'Causes of Action: Civil Law and Social Justice' (London: Legal Services Research Centre, 2004), 139.

⁵ Michael Haynes, "Coventry in the Long Boom 1950-1970," in *Revival of a City: Coventry in a Globalising World*, eds. Jason Begley et al. (Cham: Palgrave Macmillan, 2019), 67.

⁶ Ibid.

⁷ Ibid., 68.

⁸ Ibid., 69.

1950s.⁹ While this prosperity was by no means enjoyed equally, with low pay and substandard housing conditions for some, as Hayes describes “there was a degree of satisfaction” that the image of homelessness as portrayed in the film ‘Cathy Come Home’ “did not seem to apply in Coventry. The city had some individual Cathy’s but not a hostel population.”¹⁰ Migration to the city was significant during this period. Most of this was internal migration, but by 1971 10% of the population in Coventry was from outside of the UK. A significant proportion of migrants were Irish, but in the 1950s and 1960s migration from Commonwealth countries increased, with Coventry having one of the largest populations of Indians outside of London.¹¹

Until the late 1970s, the local economy remained heavily focused on the automotive industry. More than two-thirds of employment in the city was in manufacturing. The decline of these industries in the context of globalisation, coupled with austerity policies, led to a deep recession from 1979 to 1983, with more severe effects than on the country as a whole and other areas.¹² A third of jobs in the city were lost between 1975 and 1984, and the unemployment rate eventually rose to 15%.¹³ The consequences of this were most significant for a younger generation of labour in Coventry, whose parents could retire or take redundancies, but who themselves “lacked the opportunities of their parents, and were unable to take their skills elsewhere.”¹⁴ One consequence of this was significant ‘out-migration’, with Coventry’s population declining into the early 2000s.

Coventry’s recovery from the shock of rapid deindustrialisation has involved a gradual but dramatic transformation to a service-based

economy. This was guided in part by Coventry City Council’s early recognition that purely market-based solutions were not going to resolve the unemployment crisis. Their strategy focused on new technologies and green business parks, supported by the city’s two universities. Following another recession in the early 1990s, jobs in Coventry began to grow with a ‘revitalisation’ of automotive manufacturing and the development of the education and knowledge economy.¹⁵ The 2010s are described as a period of ‘lift off’ for Coventry, as its strategy has gradually come to pay off.¹⁶ By 2017 employment levels had finally returned to what they had been in the late 1970s. Since the late 2000s, Coventry has also seen considerable population growth and diversification driven in part by the two universities, though only a small proportion of graduates tend to stay in Coventry.¹⁷ With nearly 350,000 residents, Coventry is now the fourth most densely populated local authority area in the West Midlands.¹⁸ By 2031, the population is expected to rise by another 89,000. While the majority of Coventry residents (65.5%) identify as white, this reflects an 8% decrease from the 2011 census; 18.5% of residents identify as Asian and 8.9% as Black.¹⁹

While Coventry’s recovery has been considerable, the city continues to struggle economically, and the benefits of recovery have not been evenly distributed. As Tana Nelethu Forrest argues, “...within Coventry there exist multiple stories and experiences, not all of which are easily accessible...[t]his is not to say that the dominant narratives about the city are untrue, but rather to suggest that perhaps they are not representative of the entire story of the city, or the experiences held by local people.”²⁰

⁹ Ibid., 87.

¹⁰ Ibid., 77.

¹¹ Ibid., 78.

¹² Clive Collis, “Recession and Relative Recovery,” in *Revival of a City: Coventry in a Globalising World*, eds. Jason Begley et al. (Cham: Palgrave Macmillan, 2019), 105.

¹³ Paul Sissons, “Population, Migration and Commuting Patterns in a Changing City,” in *Revival of a City: Coventry in a Globalising World*, eds. Jason Begley et al. (Cham: Palgrave Macmillan, 2019), 145.

¹⁴ Jason Begley, “Occupational Structure and Change in Post-war Coventry,” in *Revival of a City: Coventry in a Globalising World*, eds. Jason Begley et al. (Cham: Palgrave Macmillan, 2019), 182.

¹⁵ Myles Mackie, “The Rebirth of the Phoenix City - Sectoral Shifts and the Evolution of Coventry’s Economic Base,” in *Revival of a City: Coventry in a Globalising World*, eds. Jason Begley et al. (Cham: Palgrave Macmillan, 2019), 206.

¹⁶ Ibid., 207.

¹⁷ Paul Sissons, “Population,” 151.

¹⁸ Office for National Statistics, “Population.”

¹⁹ Office for National Statistics, “Population.”

²⁰ Tana Nolethu Forrest, “Multiplicitous Existences: Mixed Race Identities in Coventry” (Doctoral Thesis, University of Warwick, 2022), 107.

The transition to a service-based economy exacerbated inequality with “low skill and low wage employment opportunities meeting the needs of the population, such as retail and cleaning.”²¹ Where manufacturing had once accounted for 57% of all jobs, this had fallen to just 11% in 2017, while the service sector had risen from 39% in 1978 to 83% of all jobs in the city in 2017.²² Coventry is by no means alone in this. This increasing “divergence” and growing inequality is one of the key features of post-industrialism in the UK, the US and Europe.²³ This widened inequality has been described as the “collateral damage” of the transition, whereby “many Coventrians were scarred by unemployment, the unfamiliarity of the nature of the new work and the technology.”²⁴ While the city has seen an increase in high-paid managerial and professional jobs, more than half of these are filled by people who do not reside in the city, but commute in from surrounding areas.²⁵ By contrast, local residents fill 80% of the lower-paid jobs in ‘caring, leisure and other service occupations’ and in ‘elementary [routine] occupations’.²⁶ While many people live and work in the city, this is “more highly concentrated in comparatively low-paid occupations.”²⁷

Despite the city’s growth, Coventry continues to have significant levels of poverty and deprivation. Household incomes (Gross Domestic Household Income or GDHI) in Coventry steadily declined over the two decades to 2020; as Begley notes “[t]his fall has been even sharper and deeper than for the rest of the West Midlands.”²⁸ Overall, Coventry ranks as 68th most deprived in the UK, but more than a quarter of Coventry’s neighbourhoods are in the top 20% most deprived in the United Kingdom, with nearly 97,000 people living in the most deprived

areas.²⁹ These areas are in the centre and northeast of the city, with more isolated pockets in the southwest and southeast.³⁰ The vast majority of participants in the study live in more deprived neighbourhoods, and they conveyed a sense that the experience of Coventry is very dependent on where in the city you live.³¹

“You see Coventry is portrayed as a bad place, if that makes sense, but it’s all down to the area. So, you know, you could live in places like Willenhall, Wood End, they’re the rough areas” (H2).

More recently, the city has seen significant increases in unemployment and out-of-work benefits claimants, partially as a consequence of the pandemic. The most recent figures place unemployment at 5.8%, higher than the West Midlands and Great Britain.³² The current rate of out-of-work benefits claimants is 6.3%, amongst the highest in the country.³³ The pre-lockdown average was 3.1%.³⁴ The

²⁹ Coventry has a relatively high “internal disparity” rate at 47%, which indicates that deprivation is largely concentrated in particular areas. Office for National Statistics, “Exploring Local Income Deprivation,” published May 24, 2021. A series of statutory Joint Strategic Needs Assessments conducted in 2019 and focused on health and well-being, offer a detailed profile of Coventry at a city-wide level, alongside place-based profiles, and highlight many aspects of these disparities. See <https://www.coventry.gov.uk/facts-coventry/joint-strategic-needs-assessment-jsna>.

³⁰ See Paul Sissons, “Population,” 158. The data available on these areas is variously available for MSOAs (middle layer super output areas), LSOAs (lower area super output areas), and wards. For more practical purposes, Coventry City Council has identified ‘priority neighbourhoods’ that comprise two or more LSOAs with locally recognisable names. These are Bell Green, Foleshill, Henley Green, Hillfields, Spon End, Canley, Stoke Aldermoor, Tile Hill, Willenhall, Wood End and Ernesford Grange. See Coventry City Council, *Consultation Document: Advice Services Review 2013* (Coventry: Coventry City Council, 2013), 6.

³¹ The visibility of inequality on geographical lines has also been highlighted in the recent Marmot City evaluation. Alice Munro, *Coventry – A Marmot City: An Evaluation of a City-Wide Approach to Reducing Health Inequalities* (Institute of Health Equity, 2020), 12.

³² Office for National Statistics, “Employment, Unemployment and Economic Inactivity in Coventry,” last modified May 14, 2024.

³³ The current rate of out-of-work benefits claimants is 6.3%, amongst the highest in the UK, Nomis Official Census and Labour Market Statistics, “All Claimants (Great Britain),” September 2024.

³⁴ Centre for Cities, “UK Unemployment Tracker,” last modified September 21, 2023, <https://www.centreforcities.org/data/uk-unemployment-tracker/>.

²¹ Jason Begley et al., “Introduction,” in *Revival of a City: Coventry in a Globalising World*, eds. Jason Begley et al. (Cham: Palgrave Macmillan, 2019), 3.

²² *Ibid.*, 203.

²³ Ron Martin et al., *Levelling Up Left Behind Places: The Scale and Nature of the Economic and Policy Challenge* (Oxon: Taylor & Francis, 2021), 31.

²⁴ Myles Mackie, “The Rebirth,” 225.

²⁵ Paul Sissons, “Population,” 157.

²⁶ *Ibid.*, 157.

²⁷ *Ibid.*, 143.

²⁸ Jason Begley, “Occupational Structure,” 188.

cost-of-living crisis has also dramatically increased financial pressure on households. Comparing wages to January 2021 levels, workers in Coventry are £89.50 a month poorer than when the crisis started.³⁵ In terms of fuel poverty, the local numbers are stark. In April 2022, up to 50% of households in deprived areas were living in fuel poverty. By October 2022, 62% of households in Coventry were spending more than 10% of their income on heating their homes, with this figure nearing 100% in more deprived neighbourhoods. Even with the introduction of the energy price cap, which lowered the overall figure to 36%, many in more deprived neighbourhoods were still struggling and spending more than 25% of their income on fuel.³⁶ The most recent figures for child poverty in the city place this at nearly 4 in 10.³⁷

These forms of deprivation and socio-economic inequality have important implications for legal need amongst marginalised groups. Deprivation and legal need are not the same, but they often correlate very closely.³⁸ Income levels are a central feature particularly insofar as having a low income increases the probability of experiencing domestic abuse and welfare benefits problems, and exacerbates the consequences of those problems.³⁹ In their recent study of destitution and paths to justice, McKeever et al. identify loss of income and increased living costs as two central factors that make someone vulnerable to further problems, including welfare benefits, debt and housing, which can in turn lead to

destitution.⁴⁰ Meanwhile, those who are unemployed and in receipt of benefits have been amongst the groups reporting the most law-related problems in national legal needs surveys.⁴¹

However, marginalisation and disadvantage – and their relationship to legal need – are not just about socio-economic inequality. Disadvantage due to gender, race and ethnicity, disability, migrant status and other factors, compounds legal need amongst marginalised groups, particularly when they intersect with socio-economic inequality.⁴² Particular demographic groups within Coventry are more likely to experience certain types of legal problems. They also face challenges and barriers in trying to deal with them. For instance, there has been considerable research in Coventry highlighting the disproportionate impacts of poverty, public sector cuts, housing inequality and the pandemic on women, including older women, disabled women and BAME women, in the city.⁴³ These socioeconomic disparities translate into legal needs.⁴⁴ For instance, women disproportionately rely on welfare benefits, experience domestic abuse and provide unpaid care, and they are more likely to be lone parents, all of which are linked with

³⁵ Ibid.

³⁶ Coventry City Council, "Cost of Living – Coventry City Council," accessed September 30, 2023, <https://coventry-city-council.github.io/cost-of-living/>

³⁷ Annie Gouk, "Four in 10 Children Are Living in Poverty in Coventry, Figures Show," Coventry Live, February 6, 2024, <https://www.coventrytelegraph.net/news/coventry-news/four-10-children-living-poverty-28573260>.

³⁸ For a discussion of deprivation indices and their relationship to small-area predictive needs models, see Pascoe Pleasence et al., *Local Legal Need* (London: Legal Services Research Centre, 2001), 48-55. There is no consensus about 'proxies' for legal need, see Deborah Baker and Stephen Barrow, 'Proxy Models of Legal Need: Can They Contribute to Equity of Access to Justice?', *Journal of Social Policy* 35, no. 2 (April 2006): 267-82.

³⁹ See Alexy Buck, Nigel Balmer, and Pascoe Pleasence, "Social Exclusion and Civil Law: Experience of Civil Justice Problems among Vulnerable Groups," *Social Policy and Administration* 39, no. 3 (June 2005): 302-22.

⁴⁰ Gráinne McKeever, Mark Simpson, and Ciara Fitzpatrick, *Final Report: Destitution and Paths to Justice* (London: The Joseph Rowntree Foundation and The Legal Education Foundation, 2018), 30.

⁴¹ Pascoe Pleasence et al., *Civil Justice in England and Wales: Report of Wave 1 of the English and Welsh Civil and Social Justice Panel Survey* (London: Legal Services Commission and Ipsos MORI, 2011), 11.

⁴² See for instance Joseph Rowntree Foundation, "UK Poverty 2022: The Essential Guide to Understanding Poverty in the UK," January 18, 2022, <https://www.jrf.org.uk/uk-poverty-2022-the-essential-guide-to-understanding-poverty-in-the-uk>.

⁴³ See Sara Reis, *The Female Face of Poverty: Examining the Cause and Consequences of Economic Deprivation for Women* (Women's Budget Group and Coventry Women's Partnership, 2018); Mary-Ann Stephenson, James Harrison, and Ann Stewart, *Getting off Lightly or Feeling the Pinch? A Human Rights and Equality Impact Assessment of the Public Spending Cuts on Older Women in Coventry* (Centre for Human Rights in Practice; University of Warwick; Coventry Women's Voices, 2012); Sarah-Marie Hall et al., *Intersecting Inequalities: The Impact of Austerity on Black and Minority Ethnic Women in the UK* (Women's Budget Group and Runnymede Trust with RECLAIM and Coventry Women's Voices, 2017); Sara Reis, *Housing for Women in Coventry: Based on Full Report "A Home of Her Own – Housing and Women"* (Women's Budget Group, 2019).

⁴⁴ Zubaida Haque, *Gender Gaps in Access to Civil Legal Justice: A Survey of Support Services in England and Wales* (Women's Budget Group, 2023).

higher levels of legal need. Incidents of domestic abuse nearly doubled in Coventry from 2016 to 2022.⁴⁵

Coventry's population growth has included significant numbers of migrants, refugees and asylum-seekers. At present, more than 25% of Coventry residents were born outside of England, with India, Poland, Romania and Pakistan as the next most common countries of origin.⁴⁶ Coventry has been officially recognised as a 'City of Sanctuary' since 2011. It has amongst the highest proportions relative to the population of both supported asylum seekers and refugee resettlement in the UK, and the city accepted more Syrian refugees than any other city in the UK.⁴⁷ The most recent figures place Coventry as having the sixth highest proportion of supported asylum seekers in the UK.⁴⁸ In November 2023, it was reported that the number of asylum seekers in hostels in Coventry had doubled in the space of a year.⁴⁹ These groups face particular problems not only with immigration and asylum law but also in other areas of social welfare law, such as housing, as well as language and cultural barriers.⁵⁰ Coventry's increasing diversity also calls

attention to the racialised dimension of legal need.⁵¹

Disabled people and people with long-term physical and mental health conditions form another key group. While they are not overrepresented in Coventry compared with national averages, health inequalities are a serious concern in the city.⁵² Nationally, the number of people who are economically inactive due to long-term health conditions and disabilities is rising.⁵³ This is also true in Coventry, where these rates have risen significantly in the past four years and reflect higher averages than for the West Midlands region and Great Britain.⁵⁴ Mental ill health, in particular, is a "growing concern" with rates rising from 6.5% in 2013/2014 to 11.9% in 2021/2022.⁵⁵ Disabled people have been shown to have more problems with discrimination, debt, welfare benefits and housing, amongst others.⁵⁶ In national surveys, people with mental ill health

⁴⁵ Rates were at 40.62 per 1,000 in 2021/2022, as compared to 23.56 in 2015/2016. Coventry City Council, "Citywide Intelligence Hub - Coventry City Council," Coventry City Council, <https://www.coventry.gov.uk/facts-coventry/citywide-intelligence-hub>.

⁴⁶ 62 per 10,000 (for the UK as a whole this is just 18 per 10,000). Office for National Statistics, "How Life has Changed in Coventry: Census 2021," published January 19, 2023, <https://www.ons.gov.uk/visualisations/censusareachanges/E08000026/>.

⁴⁷ Nearly 2 per 1000, 750 in total. Denis Kierans, "Local Data on Migrants in the UK," published June 1, 2022, <https://migrationobservatory.ox.ac.uk/projects/local-data-guide/>.

⁴⁸ Georgina Sturge, *Research Briefing: Asylum Statistics* (London: House of Commons Library, 2023), <https://commonslibrary.parliament.uk/research-briefings/sn01403/>.

⁴⁹ Priyanka Patel, "MP's Warning as Number of Asylum Seekers in City Hostels Doubles in a Year," Coventry Live, November 3, 2023, <https://www.coventrytelegraph.net/news/coventry-news/coventry-mps-warning-number-asylum-28023227>.

⁵⁰ A needs assessment published in 2018, for instance, points to the disproportionate impact of the unaffordability of the private rented sector, overcrowding, as well as problems faced by those with No Recourse to Public Funds status. See Coventry City Council, *Coventry - A Welcoming City: Migrant Needs Assessment 2018* (Coventry City Council, 2018), 12, 18-19.

⁵¹ See for instance Aoife O'Grady et al., "Institutional Racism and Civil Justice," *Ethnic and Racial Studies* 28, no. 4 (July 2005): 620-28.

⁵² See Beth Waddington, "Disability, England and Wales - Office for National Statistics," published January 19, 2023. 18.4% of people in Coventry would be considered disabled under the Equality Act. Coventry City Council, "Coventry Joint Strategic Needs Assessment (JSNA) 2023 - Coventry City Council," (Coventry City Council, 2023) <https://www.coventry.gov.uk/facts-coventry/coventry-citywide-profile-2023/6>.

⁵³ Rebecca Florisson and Aman Navani, "Economic Inactivity Due to Long-term Ill-health at Record High" Work Foundation, published May 16, 2023, <https://www.lancaster.ac.uk/work-foundation/news/blog/economic-inactivity-due-to-long-term-ill-health-at-record-highhttps://commonslibrary.parliament.uk/how-is-health-affecting-economic-inactivity/>; Esme Kirk-Wade and Rachael Harker, "How is Health Affecting Economic Inactivity?," published March 14, 2023, ; Office for National Statistics, "Rising Ill-health and Economic Inactivity because of Long-Term Sickness, UK: 2019 to 2023," published July 26, 2023.

⁵⁴ See Coventry City Council, "Coventry Joint Strategic Needs Assessment (JSNA) 2023 - Coventry City Council," Coventry City Council, 2023, <https://www.coventry.gov.uk/facts-coventry/coventry-citywide-profile-2023/4>.

⁵⁵ Coventry City Council, "Coventry Joint Strategic Needs Assessment (JSNA) 2023."

⁵⁶ Aoife O'Grady et al., "Disability, Social Exclusion and the Consequential Experience of Justiciable Problems," *Disability & Society* 19, no. 3 (2004): 259-72. See also Nigel Balmer et al., "Worried Sick: The Experience of Debt Problems and Their Relationship with Health, Illness and Disability," *Social Policy and Society* 5, no. 1 (2006): 39-51; Christine Coumarelos, Pascoe Pleasence, and Zhigang Wei, "Law and Disorders: Illness/Disability and the Experience of Everyday Problems Involving the Law - a Working Paper," *Updating Justice* (Sydney: Law and Justice Foundation of New South Wales, 2013).

reported the most legal problems across all areas.⁵⁷

Other circumstantial factors also impact the experience of legal need amongst marginalised groups in Coventry. For instance, people in temporary accommodation have been shown to be particularly prone to legal problems.⁵⁸ More than 1100 families are housed in temporary accommodation in the city.⁵⁹ Digital exclusion is also a recognised problem in Coventry, and the West Midlands has the highest proportion of its population completely offline in the UK.⁶⁰

The way that these factors precipitate and shape experiences of legal need in Coventry plays out in the stories of participants. The vast majority of them live in more deprived neighbourhoods, they are predominantly reliant on welfare benefits for their income, and significant numbers of them are lone female parents, migrants and asylum seekers. The majority of them have long-term health conditions and disabilities. It is also important to recognise that these increasing forms of disadvantage have increased pressure on local services, while prolonged austerity has diminished the capacity of the local authority to provide essential services to ameliorate

disadvantage. The local authority has faced significant cuts, more than £100 million each year since 2010/2011.⁶¹ Coventry receives one of the lowest levels of public funding per capita in the country.⁶² This precipitates further legal need for marginalised groups by limiting access to services that can mitigate disadvantage,⁶³ necessitating legal challenges to access scarce resources, and as we explore below, reducing funding for legal and advice services to help meet legal need.

The challenge of meeting legal need in Coventry

In this section, we explore efforts to meet legal need in Coventry, contextualising the current provision of legal and advice services in relation to wider changes in the sector, as well as the history of provision in the city. While Coventry is not a legal aid or advice desert,⁶⁴ like so many places that have seen the complete loss of services in the past decade, the landscape of provision of legal and advice services has changed dramatically as a consequence of austerity and the cuts to legal aid. While the impacts of austerity and LASPO have been severe, it is important to recognise that meeting legal needs has always been a challenge.⁶⁵ The experiences of the advice sector in Coventry over several decades show that the challenge of meeting legal need is not only contending with its scale and ubiquity but navigating continually changing political and economic dynamics.

⁵⁷ Pascoe Pleasence et al., *Civil Justice in England and Wales: Report of Wave 1*, 11.

⁵⁸ Buck et al., "Social Exclusion."

⁵⁹ Coventry City Council, "Housing & Homelessness Service Update: Briefing Note," March 7, 2024, <https://edemocracy.coventry.gov.uk/documents/s59744/Housing%20and%20Homelessness%20Services%20Update.pdf>

⁶⁰ West Midlands Combined Authority, "Digital Devices to be Distributed Amongst West Midlands Communities in Bid to Encourage Inclusion," published May 16, 2023, <https://www.wmca.org.uk/news/digital-devices-to-be-distributed-amongst-west-midlands-communities-in-bid-to-encourage-inclusion/>. The DERI (Digital Exclusion Risk Index) score for Coventry as a whole is 3.44, second only to Solihull in the West Midlands Combined Authority. However, some LSOAs in Coventry have a score of up to 6.12, with many of these in more deprived areas. Coventry City Council, "Connected Nations & Digital Exclusion," accessed September 30, 2023, <https://coventry-city-council.github.io/connected-nations/>. See also, Coventry City Council, "Major Boost to City's Campaign Against Digital Poverty," published June 26, 2023, <https://www.coventry.gov.uk/news/article/4686/major-boost-to-city-s-campaign-against-digital-poverty>; For an explanation of DERI score, see Paul Mee et al., "Digital Exclusion as a Barrier to Accessing Healthcare: A Summary Composite Indicator and Online Tool to Explore and Quantify Local Differences in Level of Exclusion," Universal Access in the Information Society (September 2024).

⁶¹ Coventry City Council, "Budget and Spending Plans 2024/2025 - Coventry City Council," Coventry City Council, <https://www.coventry.gov.uk/budgets-spending/budget-spending-plans-2425>.

⁶² Ibid.

⁶³ Adam Tinson, Carla Ayrton, and Issy Petrie, *A Quiet Crisis: Local Government Spending on Disadvantage in England* (New Policy Institute, September 2018).

⁶⁴ A recent analysis from LexisNexis, focusing on civil legal aid provision in the areas of family and housing, places Coventry in the 30-75th percentile amongst local authorities nationally in these areas. LexisNexis, "The LexisNexis Legal Aid Deserts Report," <https://www.lexisnexis.co.uk/insights/the-lexisnexis-legal-aid-deserts-report/index.html>.

⁶⁵ Lisa Wintersteiger, "Legal Exclusion in a post 'LASPO' era," *Journal of Social Policy*, 44 no.1 (2015): 70. See Bryant Garth, *Neighbourhood Law Firms for the Poor* (The Netherlands: Springer Netherlands, 1980) for an in-depth discussion drawing on the early experiences of law centres in the UK and internationally.

Coventry is home to the largest law centre in the country, the Central England Law Centre. In terms of first-tier advice services, there are currently three AQS (Advice Quality Standard)-qualified organisations in the city, including a large Citizens Advice Bureau (Coventry Citizens Advice), Coventry Independent Advice Service (CIAS), and Age UK Coventry and Warwickshire. CIAS and Coventry CAB both provide specialist welfare benefits and debt advice in addition to generalist advice. In addition, a non-profit organisation, the Coventry Refugee and Migrant Centre (CRMC) offers advice specifically for asylum-seekers, refugees and migrants and has Level 2 Immigration Advice Authority (formerly OISC)-qualified immigration advisors.⁶⁶

Legal aid provision in the city has declined by 70% since the implementation of LASPO.⁶⁷ That Coventry maintains the level of wider provision it does reflects the responsiveness of not-for-profit legal and advice services and the support of Coventry City Council. Austerity necessitated a strategic turn to more diverse sources of grant funding from government and charitable sources. However, these forms of project-based funding come with specific risks and challenges, while wider sectoral problems and ongoing austerity continue to impact services. Thus, while there has been significant growth within Coventry's advice sector, defying national trends, as well as important innovations that extend efforts to meet legal need beyond more traditional models of individual advice and representation, they have not been able to replace the specialist provision that was lost.

The history of legal and advice services in Coventry

The structural nature of the poverty produced by deindustrialisation was recognised early on in Coventry. In the 1970s, Coventry was one of the inaugural 'Community Development Projects' (CDPs) conceived by the Labour government in the late 1960s as part of a growing and increasingly polarising social concern with urban poverty.⁶⁸ The Coventry CDP is described as having been 'radical', meaning that the project quickly eschewed the idea that poverty could be alleviated through self-help. Instead, it approached poverty as a problem, "which could only be tackled by wider systemic change."⁶⁹ The project established the Hillfields Information and Opinion Centre (HIOC), which fostered a community association, offered advice sessions and sought to build "more collective approaches around the problems such as legal and welfare rights, homelessness and housing improvement."⁷⁰ They started an experimental law clinic (initially staffed by volunteers from Warwick Law School) as part of efforts to build trust with the local community, which led to the creation of the Coventry Legal and Income Rights Service, the predecessor of the current Law Centre in Coventry. Through this work, they came to recognise that many of the residents they were supporting experienced problems caused by the administration of the benefits system, alongside low awareness of rights. The CDPs were ultimately short-lived, but the forward strategy the project proposed to the council included the establishment of a 'trust' for the Coventry Legal Income and Rights Service in 1976.

Advice services have a much longer history in the city, extending back to World War II. There were originally two Citizens Advice

⁶⁶ For an explanation of the work that can be undertaken at each level of qualification, see Free Movement, 'How to Become an Immigration Advice Authority Level 2 Adviser', accessed January 31, 2025, <https://freemovement.org.uk/how-do-i-become-accredited-at-oisc-level-2/>.

⁶⁷ This figure and further discussion of legal aid levels and providers in Coventry is based on an analysis of legal aid statistics produced by the Ministry of Justice regarding all legal help and certificated cases from 2009-2010 to 2022-2023. We are also grateful to Jo Wilding for sharing data obtained through a request made under the Freedom of Information Act 2000.

⁶⁸ Carpenter and Kyneswood explain that Coventry's selection for a Community Development Project despite its relative prosperity at the end of the 1960s is a reflection of its progressive politics in the context of the wider West Midlands, which was "generally known to be a centre of white working class racism." Mick Carpenter and Ben Kyneswood, "From Self-help to Class Struggle: Revisiting Coventry Community Development Project's 1970's Journey of Discovery," *Community Development Journal* 52, no. 2 (April 2017): 249.

⁶⁹ *Ibid.*, 248.

⁷⁰ *Ibid.*, 254.

Bureaux (CABx) in Coventry, started by the National Council for Social Services at the beginning of World War II and eventually merging in 1941. After the war, funding for CABx was reduced dramatically.⁷¹ They struggled for resources through the 1950s and 60s, even though enquiries related to the growth of the welfare state were rising dramatically. Coventry Citizens Advice “was an organisation with one member of staff and a low budget until 1979,” and its limited funds came from the local authority.⁷² While Citizens Advice provided some services, as the organisation grew, their funding was subject to fluctuations which “meant that staffing and volunteering levels rose and fell dramatically when projects started or finished.”⁷³ In the early 1980s, “their growing team of staff and volunteers had to cope with an increasing workload due to large-scale unemployment and poverty in the city.”⁷⁴

Until the early 1980s, law centres such as the one in Coventry were “the only major providers of advice, assistance and representation” in social welfare law. They were precariously funded by local authority grants, Urban Aid, and some legal aid. However, legal aid was overwhelmingly focused on criminal and family law.⁷⁵ Nationally, funding for advice services, particularly CABx, started to increase significantly in the late 1970s.⁷⁶ Legal aid in social welfare law grew from the mid-1980s.⁷⁷ This increase was primarily in private practice, though law centres also became increasingly dependent on legal aid to fund their work as other sources of funding dried up. Advice agencies also started to take on more legal aid contracts.⁷⁸ Law centres, notably, resisted turning to legal aid for funding. “The vision for Law Centres,” as Natalie Byrom explains, “was that they should exist as publicly funded organisations providing a mixture of casework, legal education and community

organising within the communities in which they were based.”⁷⁹ There is limited information readily available about what was happening in Coventry during this time. The Law Centre itself was initially funded by the local authority and Urban Aid, and it became increasingly reliant on legal aid. Coventry Citizens Advice struggled with funding throughout the 1990s.⁸⁰ In addition, a group of neighbourhood-based independent advice organisations formed in the 1990s, funded by the local authority. As Alan Markey reflects more generally, “[t]hese were the days of community projects, managed by local people, genuinely engaging with local residents, working with them and for them.”⁸¹

Throughout the early and mid-2000s, not-for-profit legal and advice services in Coventry grew and became increasingly professionalised. The Coventry Legal and Income Rights Service was incorporated as the Coventry Law Centre in 2001. The Law Centre significantly increased its legal aid casework capacity, expanding particularly in 2006-2007 when the then two remaining private providers of immigration legal aid in Coventry withdrew from legal aid practice.⁸² In the early 2000s, Coventry Citizens Advice also became increasingly professionalised and financially stable, offering advice in more specific areas and expanding its overall provision. Coventry Citizens Advice held legal aid contracts in welfare benefits and debt from 2001 until the implementation of LASPO. These eventually comprised nearly a third of their budget.⁸³

During this period there were also significant efforts to coordinate and rationalise advice provision in the city, through the creation of

⁷¹ Steve Hynes, *Austerity Justice* (Legal Action Group, 2012).

⁷² Citizens Advice, *Celebrating 75 Years of History* (Coventry: Citizens Advice, 2015).

⁷³ *Ibid.*, 49.

⁷⁴ *Ibid.*, 54.

⁷⁵ Roger Smith, “Clinics in a Cold Climate: Community Law Centres in England and Wales,” *Osgoode Hall Law Journal* 35, no. 3/4 (1997).

⁷⁶ See Steve Hynes, *Austerity Justice*, 31.

⁷⁷ Roger Smith, “Clinics in a Cold Climate”

⁷⁸ *Ibid.*, 912.

⁷⁹ See Natalie Byrom, “Exploring the Impact of the Cuts to Civil Legal Aid Introduced by the Legal Aid, Sentencing and Punishment of Offenders Act [2012] on Vulnerable People: The Experience of Law Centres,” (Doctoral Thesis, University of Warwick, 2018).

⁸⁰ Citizens Advice, *75 Years of History*.

⁸¹ Alan Markey, “Keep the Faith,” *Medium*, December 11, 2021, <https://medium.com/@alanmarkey/keep-the-faith-6cc6fe942dfc>.

⁸² Coventry Law Centre, *Report and Financial Statements for the Year Ended 31 March 2007* (Coventry: Coventry Law Centre Ltd, 2007).

⁸³ Roger Smith, “Clinics in a Cold Climate.” They initially received a small amount of legal aid funding in 1999-2000 from the Legal Aid Board; then in 2001-2002, funding from the Legal Services Commission ballooned to nearly a third of their overall budget (97K), with contracts for welfare benefits and debt casework.

Advice Services Coventry in 2005.⁸⁴ Their strategy, which was adopted by Coventry City Council, reflects that existing services “have grown up in an ad hoc way, largely as a response to perceived need.”⁸⁵ From the perspective of the client, “the services present a confusing maze, with access to them being mostly a matter of luck.”⁸⁶ While recognizing there were many examples of good practice, they note overlaps and gaps in provision and a need to deliver value for money in the context of an increasingly constrained funding environment. While there was never a formal CLAC or CLAN in Coventry,⁸⁷ they point to the work of the Legal Services Research Centre to model local legal need, anticipating that they were “now in a position for the first time to be able to identify the gaps in service provision, and to redesign services to better meet the needs of the population,” and looking to early intervention and partnership working.⁸⁸

Advice Services Coventry received significant grants from the Neighbourhood Renewal Fund and the Big Lottery to support the strategy, creating a website and IT system for interagency referrals, which is still in use today. However, by the late 2000s, legal and advice services in Coventry were struggling to respond to the shifting funding contexts precipitated by the financial crisis, as well as increasing legal need.⁸⁹ In 2008, the Law Centre noted the “increasing pressure on local authority finances” as well as changes to fixed fees for legal aid work by the Legal

Services Commission as immediate challenges.⁹⁰ Even before LASPO and the more recent austerity measures, services were struggling financially, which hampered the efforts of Advice Services Coventry.

The impact of austerity and LASPO

The impact of austerity and LASPO were significant in Coventry. In 2011-2012 an Advice Services Review carried out by Coventry City Council estimated that £2 million in external funding would be lost from the not-for-profit advice sector.⁹¹ Legal aid casework in Coventry had already been decreasing year on year before LASPO (since at least 2009), but between 2012-2013 and 2013-2014, it nearly halved. Worst affected were the areas predominantly or completely withdrawn from the scope of legal aid, including family, employment, housing, debt and welfare benefits.⁹² Since then, legal aid casework has continued to decline, resulting in an overall decrease in Coventry of nearly 70% as of 2022-2023. There has been some loss of key legal aid providers – Coventry Citizens Advice lost their contracts for welfare benefits and debt. Several private providers, predominantly in family law, have withdrawn from legal aid work. However, the more common impact has been that providers do far less and more limited forms of legal aid work. In other areas such as immigration, new providers have taken on contracts, but these have tended to be short-term, or their overall case numbers were negligible. The Law Centre remains the main provider of legal aid in social welfare law. It is the sole provider of legal aid services in Coventry in practice areas including community care, discrimination, immigration and asylum, and

⁸⁴ Advice Services Coventry included a wide range of providers in the city, including the Law Centre, Coventry Citizens Advice, the neighbourhood-based independent advice services and other organisations that offer advice as part of their service.

⁸⁵ Coventry City Council, *Advice Strategy for Coventry: Public Report* (Coventry: Coventry City Council, 2006) 2.

⁸⁶ Ibid.

⁸⁷ Community Legal Advice Centres (CLACs) and Community Legal Advice Networks (CLANs) were part of the Legal Service Commissions strategy for the Community Legal Service from 2006-2011. For a detailed explanation and critical discussion see Adam Griffith, ‘CLACs – Are They Worth It?’, Policy Paper, Legal Aid Policy Paper (Advice Services Alliance, 2008), and Henry Brooke, ‘The History of Legal Aid – 1945 to 2010’, Henry Brooke (blog), 16 July 2016, <https://sirhenrybrooke.me/2016/07/16/the-history-of-legal-aid-1945-to-2010/>.

⁸⁸ Coventry City Council, *Advice Strategy for Coventry*, 5.

⁸⁹ See, for instance, Pascoe Pleasence and Nigel Balmer, *Research Briefing: The Consequences of Rights Problems that Characterise Recession* (Legal Services Research Centre, 2009).

⁹⁰ Coventry Law Centre, *Report and Financial Statements for the Year Ended 31 March 2008* (Coventry: Coventry Law Centre Ltd, 2008).

⁹¹ Coventry City Council, *Advice Services Review 2013* (Coventry: Coventry City Council, 2013). 3.

⁹² See The Law Society, “LASPO Act,” published November 22, 2023, <https://www.lawsociety.org.uk/topics/legal-aid/laspo-act>.

public law.⁹³ It is one of only two local providers for housing and welfare benefits [upper tribunal], and it runs the local Housing Possession Court Duty Scheme (HPCDS).⁹⁴ There is one provider for debt, and there are no legal aid providers in Coventry for education, or as of 2016, mental health. The only area of provision covered by a significant number of private providers in the city is family law, with eleven local providers including CELC.

While they have not been able to make up the legal aid provision that was lost, the Law Centre itself has more than doubled its income, defying trends in the sector. This has included opening an office in Birmingham in 2013, becoming the Central England Law Centre, when the city's only law centre closed. Their growth has been part of a deliberate strategy to diversify funding streams and attract support from non-traditional funders.⁹⁵ Although this turn to project funding began some years earlier, by the time that LASPO was implemented, legal aid was still a main source of funding, second only to the local authority. The Law Centre's project funding has dramatically increased and now represents nearly half of its budget. In Coventry, this funding, combined with the continued support of the local authority, and

partnerships with local universities, have enabled the Law Centre to significantly bolster provision as legal aid has diminished. Local authority and project funding allow for the provision of one-off advice across all areas, and it also accounts for the majority of services provided in employment, welfare benefits, as well as a significant proportion of immigration cases. Around half of the Law Centre's legal casework is funded by legal aid (comprising just over a quarter of their budget), but this work would not be sustainable without their other sources of funding.⁹⁶

This approach has also created opportunities to offer services and meet legal needs in innovative ways, beyond traditional models of individual advice and representation. While law centres have always included wider forms of social action, this work was often sidelined by their increasing reliance on legal aid and growing caseload burdens.⁹⁷ An early project embedded legal advisors with key worker teams as part of the Troubled Families programme,⁹⁸ and this innovation has continued through a host of other projects.⁹⁹ The most significant of these include Ignite, a collaborative project with Grapevine Coventry and Warwickshire, funded by the Early Action Neighbourhood Fund to "stimulate a shift to early action within the public sector,"¹⁰⁰ and Kids in Need of Defense UK, a national partnership which provides free legal representation to undocumented children.¹⁰¹ The Law Centre has also run

⁹³ The procurement areas in some areas of civil law extend beyond Coventry, and Coventry residents may in principle access legal aid providers in other localities; though legal aid contracts impose various limits on the number of clients a provider can take on from outside their procurement area, which vary by area of law. However, legal aid deserts are determined on the basis of access to a *local* provider. Jo Wilding has recently shown how framing the availability of legal aid in terms of providers within a procurement area obscures problems with geographical access as well as the actual capacity of those providers. See, for instance, Jo Wilding, *No Access to Justice: How Legal Advice Deserts Fail Refugees, Migrants and Our Communities* (Refugee Action, 2022). Notably, the previous Government deferred to procurement areas when questioned about significant gaps in provision: Parallel Parliament, "Legal Aid Scheme: Coventry," Parallel Parliament, March 12, 2024, <https://www.parallelparliament.co.uk/question/18304/legal-aid-scheme-coventry>.

⁹⁴ Overall case numbers (early help and civil representation) are low across all of these areas, with the exception of the HPCDS. In welfare benefits, the other provider only had one case in 2022-2023 is effectively dormant; however, in housing, the other provider has 36 matter starts (while CELC has 50).

⁹⁵ Sue Bent, "How We Faced Swingeing Cuts and Came Out Swinging," Think NPC, published July 20, 2017, <https://www.thinknpc.org/resource-hub/how-we-faced-swingeing-cuts-but-came-out-swinging/>.

⁹⁶ On the sustainability of legal aid see, for instance, Law Society Futures and Insight Team, *Civil Legal Aid: A Review of Its Sustainability and the Challenges to Its Viability* (The Law Society, 2021).

⁹⁷ See Bryant Garth, *Neighbourhood Law Firms for the Poor: A Comparative Study of Recent Development in Legal Aid and in the Legal Profession* (Kluwer Academic Publishers, 1980), 71.

⁹⁸ Now known as Strengthening Families. Coventry Law Centre, *Troubled Families: Evaluating the Impact of Embedded Legal Advice on Families with Complex Needs and the Professionals Who Support Them* (Coventry: Coventry Law Centre, 2015).

⁹⁹ For a detailed discussion of the Law Centre's strategy and their participation in Troubled Families, see Natalie Byrom, "Impact of the Cuts to Civil Legal Aid."

¹⁰⁰ Emma Bates, Sue Bent, Claire Wightman and Cathy Sharp, *Ignite: A Story of Activating Early Action* (Coventry: Grapevine and Central England Law Centre, 2021).

¹⁰¹ Central England Law Centre, "Kids in Need of Defense UK," Central England Law Centre, accessed March 25, 2025, <https://www.centralenglandlc.org.uk/kids-in-need-of-defense-uk>.

several successful public legal education projects, including the RIPPLE Project.¹⁰² More recently, they have joined the Coventry Women's Partnership, which brings together a group of organisations supporting women in the city to improve referral pathways, an initiative which offers intensive, wraparound support to women, and a local health justice partnership (together with the Coventry Independent Advice Service). These efforts have culminated in the overarching 'Rights in Community' strategy, discussed in the introduction to the report.

Despite the Law Centre's growth, there remain considerable gaps in provision and demand far exceeds capacity in all areas. People who come to the Law Centre are turned away, or may not receive needed legal services, because the Law Centre does not have capacity. In 2022-2023, the Law Centre received nearly 6000 enquiries to their Coventry office. They opened more than 1100 new cases and provided one-off advice to a further 1700. However, they turned away more than 20% of people who made enquiries in areas they have funding to provide because their services were at capacity.¹⁰³ This does not include people who cannot be supported because it is outside of the areas they cover, such as most private family law. In addition, in the same year, they note that "a significant proportion of these people [who receive one-off advice] would benefit from ongoing casework and representation" which they are unable to provide. This was a particular problem in employment and immigration law.¹⁰⁴ These gaps are particularly concerning due to the high levels of need for employment and immigration advice in the city. Their overall casework capacity remains significantly below what it was prior to LASPO, reflecting a range of sectoral and funding challenges, including a 40% decrease in real terms of local authority funding since 2008. As they noted early on in the adoption of their strategy, it is difficult to fund core services and caseworkers through project-based

funding,¹⁰⁵ and recruitment of qualified solicitors in social welfare law has become increasingly difficult.¹⁰⁶ They also note the increasing complexity of cases.

While the impact of austerity and the cuts to legal aid were felt most acutely in the provision of specialist legal advice, the provision of generalist advice has also changed significantly. Coventry City Council's Advice Services Review in 2011/2012 was conducted in anticipation of wider funding challenges and likely increases to legal need caused by the introduction of Universal Credit. The Review sought to increase the capacity of the advice sector in the city, though without providing any additional funding. This was to be achieved through the merger of smaller neighbourhood-based advice services into the Coventry Independent Advice Service in 2015, operating on a 'hub-and-spoke' model, to help reduce overhead costs. This helped to consolidate and further develop a city-wide face-to-face benefits and debt advice service. They operated initially from a range of community venues, and eventually through partnerships with Family Hubs. This increased outreach to priority neighbourhoods and groups, and diversified delivery channels, often supporting more than 2000 clients annually. However, their funding from the Local Authority remained at the same level from 2018, and it has recently been cut entirely.

As noted above, Coventry Citizen's Advice lost their legal aid contracts over the course of 2013-2014. At the time, funding from legal aid comprised roughly a third of their overall budget. Their strategy in response to this, like the Law Centre's, was to seek alternative forms of funding.

¹⁰² See Eureka! and Central England Law Centre, *Evaluation of the RIPPLE Project - a New Model of Public Legal Education* (Coventry: Eureka! and Central England Law Centre, 2018).

¹⁰³ Central England Law Centre, 'Enquiries, casework and advice provided 2022-2023', Report to Coventry City Council (2023).

¹⁰⁴ *Ibid.*

¹⁰⁵ Sue Bent, "How We Faced Swingeing Cuts."

¹⁰⁶ See, for instance, Catrina Denvir et al., *We Are Legal Aid: Findings from the 2021 Legal Aid Census* (Legal Aid Practitioners Group, 2022).

"The loss of our Legal Aid income over the last 12 months has meant that the Bureau has become more resourceful and more focussed in its fundraising work and as a consequence, we have seen the development of a number of key partnerships with private sector organisations."¹⁰⁷

Following this strategy, Coventry Citizens Advice has grown considerably, at some points more than tripling their budget since 2008-2009.¹⁰⁸ This growth has predominantly been through increases in projects. The most significant of these has been the Syrian Integration Project, funded by the Home Office, which has comprised between 30% and 40% of its budget since 2016. This recently came to an end in April 2023, when the project was brought in-house by the local authority.¹⁰⁹ Other significant projects have included a contract with the Money Advice Service, which funds their specialist debt team; PensionWise, which provides advice to people over 50 to make decisions about their pension options, and a longstanding partnership with Macmillan Cancer Support to provide benefits advice to people with cancer. However, their annual accounts regularly discuss the ongoing risks of funding from short-term contracts and the decline in public funding for core services.¹¹⁰

In 2022-2023, CAB reported providing a service to more than 11,000 individuals. However, as they note, "these figures in no way reflect demand but rather reflect the capacity of the service funded and the model of working that was necessarily adapted through the Covid lockdown."¹¹¹ Since the

pandemic, the vast majority of their work has been delivered remotely, with face-to-face services only accounting for 8% of their overall provision. They note that demand far exceeds capacity, with only 20% of telephone demand being met in 2022-2023.¹¹²

Conclusion

This section has highlighted the diverse structural dimensions of legal need in Coventry, focusing on its history as a post-industrial city and the forms of inequality this has produced. These forms of inequality translate into legal needs and increasing demand for legal and advice services, exacerbated by the pandemic and the cost-of-living crisis. While legal and advice services in Coventry have demonstrated considerable flexibility and versatility in responding to changing political and economic contexts, they continue to be confronted by resource challenges. The most recent budget has imposed a significant cut to legal and advice services in Coventry.¹¹³ This cut and subsequent recommissioning process have resulted in the defunding of the Coventry Independent Advice Service. This reduction in capacity will be experienced as a significant loss, not only because services are already oversubscribed, but because of the long-term relationships that had been built. This serves to underscore the importance of rethinking approaches to funding ecosystems of legal support, to ensure finance flows are redirected to prevention and early intervention rather than escalating crises, and to focus on collaborative, bottom-up approaches.

¹⁰⁷ Coventry Citizens Advice Bureau, *Report and Financial Statements for the Year Ended 31 March 2014* (Coventry: CAB, 2014), 6.

¹⁰⁸ Coventry Citizens Advice Bureau, *Report and Financial Statements for the Year Ended 31 March 2009* (Coventry: CAB, 2009).

¹⁰⁹ The Syrian Integration Project was funded by the Home Office through the local authority and ran from 2016-2023. The other project partners included Coventry Citizens Advice, Central England Law Centre and the Coventry Refugee and Migrant Centre.

¹¹⁰ Coventry Citizens Advice Bureau, *Report and Financial Statements for the Year Ended 31 March 2023* (Coventry: CAB, 2023), 5.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Coventry City Council, 'Budget Consultation 2024/25', Let's Talk Coventry, accessed 2 March 2025, <https://letstalk.coventry.gov.uk/budget24-25>.

2. THE PERSPECTIVE OF TRUSTED INTERMEDIARIES

Key Findings

2.1 The organisations pointed to intersecting forms of disadvantage amongst the people they support, including poverty, racialised and gendered experiences, disability and mental ill-health, substance abuse, and particular challenges for migrants. They raised concerns about groups including single men, lone parents (particularly women), care leavers and migrants, and pointed to groups in the city they may not be reaching.

2.2 They highlighted the devastating impact of the pandemic and the cost-of-living crisis in the city, drawing attention to the scale of emergency food provision, as well as the challenges of accessing overstretched local services which have persisted and sometimes worsened since the pandemic. These include long delays and difficulties accessing GPs, as well as stigma and hostile service cultures.

2.3 They see a wide range of legal issues, predominantly welfare benefits, debt, housing and immigration, as well as high levels of unmet needs for social care. For the organisations supporting women, domestic abuse and child protection were also prominent.

2.4 The forms of legal support they offer range from signposting and referral to practical help such as making phone calls, filling out forms and digital support, to emotional support and advocacy. They often felt they needed to stay involved to support someone through a process or to ensure their needs were understood by other services.

2.5 The levels of legal support offered by the organisations varied considerably, reflecting factors including the structure of their services and remit, opportunities to offer support, their capacity (particularly time and resources) and legal capability, and the needs of the communities they support.

2.6 They identified significant limitations, tensions and challenges in this role, in particular gaps in their own legal knowledge and skills and pressure on time and capacity. Collaboration with legal and advice services helped to overcome challenges, particularly where there were established partnerships, but they often struggled to refer due to services being over capacity.

Introduction

This section presents an overview of the evidence provided by the trusted intermediaries in the study. Our initial interviews with intermediary organisations offered the opportunity to explore the issues that arise for the communities they support and how they understand their role in supporting people when law-related problems arise. The organisations are very diverse, both in terms of the services they provide and the communities that they support. Broadly speaking, the organisations range from having very specific service remits, for instance, provision of emergency food or employment support, to those who explicitly offer more holistic forms of support. The groups they support may be very specific, such as youth at risk of homelessness, or reflect a broad cross-section of the community. While these differences influenced how they understood their role and the support they offered people to deal with law-related issues, they were all, as other studies have shown "often prepared to go beyond their job description."¹ They provided invaluable insight into the issues that arise for the people they support, as they are "well positioned to understand the social context of the people they serve."² The interviews also provided the opportunity to better understand how they see their role when it comes to supporting people with law-related problems and the particular challenges they face in doing so.

Patterns of need

The organisations support diverse communities and demographics. The specific groups they support (detailed in the Introduction) include women, youth at risk of homelessness, migrants, refugees and asylum-seekers, people affected by severe mental illness and people accessing

charitable or low-cost food. Within the communities they support they raised concerns about more specific groups such as migrant women, single men and care leavers, as well as broader themes such as poverty and low incomes, isolation and lack of support networks, disability and high levels of mental health needs. Some of the organisations also discussed concerns about groups they may not be reaching. These generally reflected different forms of minoritised identity, and language or cultural barriers that may prevent someone from engaging with their services. These groups included, for instance, new arrivals, women who do not speak English and may be subject to domestic abuse, and Gypsy, Roma, and Traveller communities. They were also conscious that stigma may prevent people from accessing them, particularly in the case of low-cost and charitable food support.

The pandemic and the cost-of-living crisis have been particularly pressured times for the organisations in the study. Not only did they have to adapt service provision to comply with restrictions and lockdown measures and face challenges in reaching people, but they also experienced increased demand. The increase in demand was most stark in relation to emergency food provision "[w]hen the pandemic arrived we doubled our demand overnight" (Coventry Foodbank).³ They observed that this included a lot of people who had never accessed a foodbank before:

"...through the pandemic we saw a lot more people that just lost their livelihoods and had no clue what to do. And applied for Universal Credit but had a five week wait and what do you do? There is no other option. They turned to us because there was nowhere else for them to go. That changed the dynamics as well because we were meeting people who never actually faced being anywhere near or even considered that they would ever need a foodbank or support" (Coventry Foodbank).

¹ Karen Cohl et al., *Trusted Help: The Role of Community Workers as Trusted Intermediaries Who Help People with Legal Problems* (Toronto: Law Foundation of Ontario, 2018), 15.

² Julie Mathews and David Wiseman, *Community Justice Help: Advancing Community-Based Access to Justice* (Toronto: Community Legal Education Ontario, 2020), 16.

³ See also Coventry City Council, Coventry and Warwickshire COVID-19 Health Impact Assessment (Coventry: Coventry City Council, 2020), 8, which reports that "The Trussell Trust in Coventry saw a 95% increase in food parcels given out overall and an 106% increase in food parcels given out to children in April 2020 compared with April 2019."

Maintaining engagement and communication with the people they support was also a challenge during the pandemic. This included concerns for some organisations about interactions becoming more “transactional,” with more limited opportunities to offer support and build up a relationship.

“...the underlying focus for us is to build up relationships with our client group, because then, you know, you build up trust and then you get, you know, the issues that maybe they’re dealing with...those relationships are really important and I think as volunteers, what we found difficult is not having that opportunity” (Carriers of Hope).

In response to these challenges, the organisations “got really creative” (Kairos). Many of them turned to Zoom and WhatsApp, but they struggled to support people who did not have access to technology. Some of the organisations helped to provide access by linking people to free equipment or distributing it themselves. There were also new initiatives such as home food deliveries, and partnerships including co-located advice services. The extra lengths they went to in some cases strengthened their relationships.

“I think COVID made us more united together and we build that trust with our women. They came to us, we didn’t turn them away, we didn’t say we’re not working, so we answered every individual phone call... so we established ourselves more during COVID I think” (Foleshill Women’s Training).

Many of the difficulties experienced during this period persisted or worsened, as the cost-of-living crisis came to the fore. In many cases demand has only continued to increase, and not just for emergency food provision.

“Demand continues to increase...we’re facing a cost-of-living crisis, working with women who are living in poverty as it is. That adds extra stresses into households, there’s so many trigger factors that could mean that things become worse for women” (FWT).

There is “just more need,” as one organisation reflected (Carriers of Hope).

The patterns of need they have seen over this period in some cases relate specifically to the pandemic. For instance, one organisation observed an increase in the number of pregnancies among the women they support during and post-COVID, which they believed may have been due to the Everyone In Scheme, which had housed 200 rough sleepers at the start of the pandemic, as well as reduced access to contraception.⁴ Other organisations mentioned the prevalence of long COVID. However, more broadly the concerns they expressed reflect long-standing dynamics for the communities they support that were exacerbated by the pandemic and the cost-of-living crisis.

Financial precarity and food poverty were most prominent for the organisations that provide emergency and low-cost food. These services are particularly sensitive to changes that affect incomes: “we’re, if you like, we’re the frontline thermometer on what it’s like out there in the population” (Coventry Foodbank). Low incomes, including zero-hours contracts, and job loss were identified as common drivers of the need for support with food, and they saw increases in families and working people who needed support.

⁴ Ibid., 68-69.

"Zero hours is another one. I mean at one time I had one lady, she worked for Sainsbury's, but after Christmas it seemed to be, like most of the stores, they cut back on their staff, so her hours were reduced. She had to come to us because once she'd paid her council tax, electricity bills, she just didn't have enough money to pay for food for her and her kids" (Coventry Foodbank).

However, poverty and low incomes were described by all of the organisations. The loss of the pandemic uplift to Universal Credit, for instance, had a significant impact.

"We're also missing the fact that they all lost eighty quid. They claimed it, we said don't get used to it, you're only getting it for so long. Then they renewed it, then they renewed it, then they took it, and now that they've taken it and everything's going up, to try and get people to budget here on two hundred and fifty quid" (St Basils).

They also commonly described people who were isolated, lonely or lacked support networks. This was particularly discussed in relation to migrants, both men and women, as well as youth:

"our women feel isolated, alone, vulnerable. You know, they've got no one to talk to, there's so many of our women, it's them in the house or them in the house with the kids, them in the house with the husband that doesn't really take good care of them" (Foleshill Women's Training).

"In all our groups there's so much that, there's so many barriers that the [young] women that we support face, where they don't have so many things that we take for granted...who don't have a support network. So all those little questions that you'd normally ask your mum, your sister, your best friend, they don't have the opportunity to do that" (Kairos)

Reflecting particularly on the experiences of single, migrant men: "Yes, that's the community where we see a lot of the isolation and mental health and health needs" (Carriers of Hope). Young men with no support network were also a key demographic for Coventry Foodbank.

"the eighteen to twenty-five's tend to have no support network around them, they've got a chaotic lifestyle, there may be drug addiction, there may be, you know, like their family network around them has broken down and they find themselves isolated. So they've got no family support but they've also interestingly, got no statutory support either. There's no real agencies out there that deal with single men. They're just expected to get on with life and just do life" (Coventry Foodbank).

Mental health was closely related to these experiences of isolation. This was particularly prominent during the pandemic, but it has remained a consistent feature. "There's quite a large cohort of people that we meet who have no support for their mental health" (Coventry Foodbank). One organisation described how levels of mental health needs were so high that they were often unable to provide the services they were meant to:

"We're supposed to help, be housing-related support, but I find that a lot of my role is around mental health support and other health issues, and making sure that they know where to go and where to get the support they need [...] you find if they have mental health issues and they can't look after themselves, has a knock on effect with the rest of their lives" (St Basils).

The pressure caused by increased mental health needs is exacerbated by difficulty accessing statutory services: "[t]here's not much statutory involvement. To get statutory

involvement is the hard part" (St Basils).

"I was only in a meeting, a Teams meeting last week, there was myself, somebody from [organisation], somebody from the drug and alcohol team, there was four of us, all of us were voluntary agencies. This young girl's mental health is through the roof, in and out of the Caludon Centre, and yet not one statutory professional was there. And it's like we need to get them involved and I think that's a battle for us, isn't it?" (St Basils)

As these comments exemplify, reflections on the challenges faced by these groups were often intertwined with observations about the difficulties people face in accessing services, including a general absence of statutory and other services and 'clogged pathways' (Carriers of Hope).

Coming out of the pandemic, as services started to open up, waiting lists were increasing and barriers were mounting.

"People are being referred to services now, as they're wanting to see people face to face, waiting lists are getting longer. Criteria is getting stricter, more barriers to like entering and engaging services. If you're five minutes late to [another local support service] they won't see you. Now, you know, how many, it's just five minutes, come on" (Kairos).

Access to GPs was also described as an ongoing challenge in this context.

"Being able to get to see a GP, you know, with long-term health issues, being able to get to a hospital or being referred for a long-term problem. Even now that you can go to the GP, all of that has been, it just all takes a lot longer now. And so, yes, problems just take a lot longer to be addressed" (Carriers of Hope).

Alongside access challenges, they also identified issues with stigma and discrimination, especially for care leavers and women accessing domestic abuse services.

"[...] there's so much stigma around like accessing domestic violence services. And this idea that a victim of domestic violence looks a certain way, the same with sexual violence. And we've worked really hard to get an ISVA [Independent Sexual Violence Advisor] here because the women that we support and we work with experience like sexual violence almost as if it's the norm, especially the women involved in street-based prostitution, it's almost like a part of life" (Kairos).

Law-related problems

The specific law-related problems the organisations observed included the full range of social welfare law, and closely reflect the wider patterns of need described above. The most common law-related issues emerging during and in the aftermath of the pandemic relate to benefits, housing and homelessness, immigration, employment and social care. Across these areas, intermediaries described problems that reflect the centrality of these areas in everyday life, and the challenges that complex systems for accessing rights and entitlements create for people who are marginalised.

In relation to welfare benefits, the issues related predominantly to problems that can be rectified if queried or challenged including levels of basic entitlement, rejected applications, erroneous deductions and unnecessary delays, and disproportionate and misapplied sanctions. Foleshill Women's Training summarised the wide range of benefits problems they see:

"one thing I feel I have to touch on, which it's just become very much part of like week to week. And it was worse over the pandemic and a lot, but now it's maybe easing off a bit, is just what I call like niggly bits with benefits like, DWP just making mistakes or women [...] maybe they've had help by like friends or family members to fill in something online and it's been bounced back or there's delays or they have deductions, maybe they're incorrect or they don't know what they're for, or they're not given everything they're entitled to. Or it may be more significant where they need help with the mandatory reconsideration or an appeal and [...] a case needs to be worked on" (Foleshill Women's Training).

They also highlighted challenges posed by heightened work search requirements for women they support who don't speak any English. More generally, intermediaries also emphasized the complexity of the benefits system and relevant applications, and the frustration felt by people they support in attempting to navigate it. Feeding Coventry, for instance, described difficulties with changing circumstances as a reason why people accessed their service: "...one month they've done a bit extra work, so it's now affected their Universal Credit the next month" (Feeding Coventry). They described particular difficulties with the application process for Personal Independence Payment (PIP) and accessing PIP for people with mental health issues rather than physical disabilities. They also expressed concerns about sanctions going unchallenged.

They also recalled significant debt problems, "[w]e see a lot of debt, we see a lot of severe debt" (Kairos). Debt was identified as a common driver of the need for assistance with food, including "[d]ebt issues where they've had a debt that's spiralled out of control and then they face legal repercussions of that debt," with fuel debt and debt for other utilities often appearing alongside a need for food (Coventry Foodbank). The likelihood of accruing rent arrears was a particular concern for young people at risk of homelessness. Issues related to housing and homelessness were also quite common, and these highlight the difficulty of understanding and accessing

rights. These include specific problems with temporary and emergency accommodation such as inappropriate and unsuitable properties, damp and broken windows, general disrepair, and evictions taking place when individuals try to complain (following the end of the suspension of evictions during the pandemic).

"I mean housing issues, isn't it? It's things like, you know, damp running down the walls and broken windows, you know, the actual physical condition of some of the places that our clients are living in and it's a biggy, isn't it?" (Carriers of Hope).

In relation to homelessness, intermediaries discussed the difficulty in getting through to the local authority on the phone, then spending two or three hours on the phone to complete a questionnaire with someone who is already in a very vulnerable position, and the difficulty more broadly of demonstrating priority need.

"We have had quite a few cases with like, people have come here and they're like homeless, and that process is horrendous. It's just awful, it's the worst process in the world" (Feeding Coventry).

For the organisations that focus on supporting women, domestic abuse was particularly prominent. They highlighted how this commonly intersected with experiences of homelessness.

"[W]e see violence against women on a daily basis and that is a big, it's a massive part of what I do. Like women who are homeless experience violence and violence is a cause and a consequence of their homelessness. And then I would say, like for me, it's every day, like I'm getting disclosures of violence" (Kairos).

One organisation participating in the study specifically supports migrants, refugees and asylum seekers; however, all organisations

raised issues related to immigration. These included challenges and uncertainty in processes, and the impact of protracted waiting times.

“[...] there’s loads of different people from all sorts of backgrounds coming in to use the service. But we might not understand or they don’t understand their documents, their right to work documents, what they’re entitled to, you know. It’s a very complicated field and that then causes anxiety for them because they’re just so unsure” (Rethink).

They discussed people not understanding their status and whether they have a right to work, and they encountered people who have overpaid for immigration advice. They highlighted particular difficulties with the shift from biometric cards to share codes for proving the right to work, and the impersonal nature of online interviews for asylum. They reflected on the complex interaction between immigration status and domestic abuse, in particular, how this may affect status and rights. They emphasised the difficulty in finding legal support for immigration and stressed that the current non-profit provision while valuable, is not sufficient, reflecting the wider lack of provision in the city.

Low incomes and loss of employment were regularly referred to as drivers of legal problems, as well as zero-hour contracts and the impact of work on benefit entitlements. Organisations discussed people working for less than minimum wage. Problems related to informal work and exploitation were raised particularly in the context of immigration. They found it particularly difficult to know where to send people in the case of unfair dismissal and discrimination. While social care was discussed directly in some interviews, more often, issues related to social care were identified by the research team based on descriptions of common problems and circumstances. For example, long-term health problems and disabilities were frequently mentioned, but without any mention of access to care and support. This suggests both a significant area of legal need and a general lack of awareness about relevant rights.

The role of trusted intermediaries

Identifying needs

While the organisations become involved in supporting people with law-related issues in different ways, all of them described playing a key role in identifying needs, both legal and non-legal. This might take place during a relatively brief encounter or alongside the provision of a particular service, as part of an initial assessment process, or by developing relationships and providing a space for people to share what is happening in their lives, and often a combination of these. One organisation described how as part of creating a food hub to meet immediate needs, it also became “a place for us to find out more about people’s needs and connect them to other services,” adding that they were trying to “just be those people that kind of are able to talk to people and understand their needs” (Carriers of Hope).

In some instances, legal needs might emerge in the course of other activities. As staff from one organisation recounted, when trying to address one issue such as post-partum mental health, “you open a can of worms [...] she may come with something that she doesn’t necessarily recognise as a legal issue” (Foleshill Women’s Training). Or, during an appointment focused on employability,

“one or two people just come in...and like bring all their papers, I’ve had this, what do you think? And it’s something completely out of our scope that we could help with. So we spend a lot of time going through that and trying to ease the situation and say, right, okay. It’s more of like a crisis management moment (Rethink).

Some of the organisations reflected that without their support in identifying legal issues, they may never realise there could be a way to address it, in turn perpetuating injustice.

"[M]any of the women would not know that there are legal injustices happening to them. And it only gets picked up because the Support and Advocacy Practitioners [...] are explaining that process to them. And when you think about all those women, you know, before, where we don't, we aren't supporting them but we know that they're still in these general situations. We know that organisations are out there getting away, doing things unlawfully, because they know they're not going to get challenged on it because they know that they're doing that to a vulnerable person. And that's really, really sad, that is really sad for me" (Kairos).

This includes identifying where someone has been misinformed, as staff at Kairos described in relation to child protection,

"...they trust what the social worker is telling them and don't feel able to, wouldn't know to challenge. Then when they might be re-telling us what the social worker has told them, like hang on a minute, that's not right. So actually there's often not the awareness that they need to seek advice out because why should they? They were being told by a professional" (Kairos).

As a result, the process of identifying needs is often a proactive one on the part of intermediary organisations, taking place "before they even ask" (Feeding Coventry), and recognising that that people don't necessarily reach out for support or realise that there is something that can be done about the issues they are facing.

"[...] people aren't reaching out to us for support. What's happening is we're discovering those issues as we have conversations and build relationships. So part of doing the kind of connection interviews was to be able to understand, you know, you've asked us for pots and pans for your house but what is your housing situation, what is your immigration status?" (Carriers of Hope).

Though some of the organisations used a more structured form of initial assessment, they also described exploring needs relatively informally and sensitively, "not being too intrusive...but getting enough information" (Carriers of Hope) or trying to just "dig a little bit" (Feeding Coventry).

Building trust and relationships was a key theme for all of the organisations in describing how they go about identifying needs. They discussed how the people they support are often mistrustful, usually as a result of their past experiences:

"... you have to build trust, trust is the most important thing that you can do [...] because they've been treated by the system so appallingly, they don't trust anyone" (Coventry Foodbank).

It was important, in the case of the foodbank, to try to mitigate the stigma associated with foodbank use to build trust and keep the relationship from being purely transactional. This trust was described as essential for being able to identify underlying issues and causes.

"If you say to somebody, what's brought you to the foodbank today? They'll say, they may give you one reason but there's actually probably three or four other issues that have brought them to the foodbank, that they won't discuss with you until you're in a position of, you know, they actually trust you with what they're going to give you" (Coventry Foodbank).

The staff at St Basils reflected on the prevalence of childhood trauma amongst the youth they support, noting that “first of all it’s getting their trust because they come in and they don’t trust anybody. So you have to build up that relationship with them” (St Basils). Trust was also important in the context of cultural differences and language barriers, “...someone might not come and tell me but they’ll come and tell [staff member] because they can tell her in Arabic and they know she’s from their culture” (Carriers of Hope).

One key hurdle in this process for intermediaries is knowing whether an issue is legal or not. Intermediaries often rely on their own experience and intuition to help them spot when someone might have a law-related problem, a sense that “hang on a minute, that doesn’t sound right” (Kairos). Depending on the nature of their service and the communities they support, they may be relatively aware of particular types of problems that arise frequently, “...there are situations...that we’re well-versed in, so we know where to go and who to signpost to” (Rethink). Alternatively, they might also do research to find out more about the problem, “Google is our friend,” as one staff member remarked, describing how they are continuously learning about new issues in their work (Carriers of Hope). There was also a concern that they were likely missing legal issues, and a lack of confidence in their ability to spot them, identifying a lack of knowledge as “a limitation” (Carriers of Hope).

“I think in my case I wouldn’t feel confident in spotting any legal issues without having to do a lot of research for that person...I wouldn’t feel confident at all, unless I did my homework on it” (Rethink).

Several organisations mentioned the importance of training in their ability to identify legal issues.

“...I did like some housing law basic training and I’ve done like bits and bobs to keep that topped up, so I’m knowledgeable about housing law. So, yes, it’s just that I’ve got experience now and I’m like, hang on, I’ve dealt with that before and I know it’s unlawful” (Kairos).

They identified areas where they would want more training, such as debt, mental capacity and adult social care, as well as the possibility “to have somebody where you could check, is the process right” (Kairos).

Forms of support

The forms of support offered by the organisations varied considerably, reflecting a range of factors including the nature and structure of their services, opportunities to offer support, their levels of capacity (particularly time and resources) and legal capability, and the needs of the communities they support. Signposting and referral were common initial responses once needs had been identified, particularly where the interaction might be brief or more limited in scope.

“Our volunteers would sit down and chat and then...through those conversations, even at the foodbank, we’re just trying to make sure that they’re getting the right support, and signposting them if the volunteers feel that actually they can access better support through another organisation or they hadn’t thought of somebody” (Coventry Foodbank).

Coventry Foodbank had recently developed a mobile app to help tailor their signposting by drawing up a list of resources and contact information for the individual which could then be sent to their phone or printed. Foleshill Women’s Training described an internal referral process that helped to link people to external agencies. Requests for extra support would be passed upward to relevant managers, where appropriate links could be made. However, despite practices such as this, efforts to signpost or refer were often frustrated by a lack of capacity in local advice agencies, particularly if there was no

formal partnership or collaboration in place. The intermediaries also offered examples of working closely with local legal and advice services, sometimes offering drop-in sessions at their location.

In other instances, organisations found that they would like to be able to signpost or refer, but they have to stay involved because they know further barriers will arise.

"And so where do you stop? And what you'd like to be able to do is say, yes, great, let's signpost you over here, and then our involvement, apart from pastoral, would cease. But that's not the case because of the language barriers and the accessibility" (Carriers of Hope).

Some local agencies were identified as being more supportive than others, where organisations could trust that the referral would be handled appropriately.

Most of the intermediaries, and all of them at least some of the time, went beyond signposting and referring to other organisations. They provided many different forms of practical and emotional support. This could be as simple as making a phone call for someone. Coventry Foodbank explained the importance of taking this step:

"....we can throw lots of phone numbers around but actually it means nothing and if that person won't take that phone number and ring at that moment, you find that they'll just come back the next week...[b]ut having somebody, having volunteers there that say, come on, let's make this phone call now and let's see what we can do, actually makes a huge difference to that person's journey because it can actually just take them to that next step and they've got more confidence to carry it on" (Coventry Foodbank).

Making phone calls for people could also help to overcome the frustration of trying to

navigate complex systems, potentially relieve some of the burden by sharing it, removing a barrier that could lead to someone giving up.

"I mean you get, you know, you get a recorded message and it's quite frustrating when you're trying to get to speak to a person (laugh), you know, in order to get the information that you need to be able to give the right sort of help to someone... the frustration that our clients are feeling, they're shared by us to a large extent. I mean we're a bit more, you know, sort of demanding about it all and we'll keep going, but I can understand why people think, oh just give up" (Carriers of Hope).

In addition to making phone calls, it was also common for organisations to support people to fill out forms and make applications, particularly for benefits and homelessness. However, form-filling was also identified as a source of strain for intermediaries: "we ended up doing some forms that wasn't part of our jobs at that time, filling in benefit forms for them, which we were obviously not experts on doing that sort of paperwork before" (Foleshill Women's Training). Depending on the nature of the application, it can take many hours to complete, not including the additional time it may take to help someone gather the information and evidence needed to support the application. This is not only a problem for individuals, but also for organisations.

"And then usually those people are quite like, they're very vulnerable, they've got like mental health needs, different needs. And then we've got to like get the evidence to try and get them, because otherwise they're not given priority housing. So like then we've got to refer back to the GP...We need to get a special letter from them to support the fact that they're like vulnerable. And then we've got to get that over to the housing and homelessness team, so that they're given like this priority. It takes like, if we get a case like that it takes all day" (Feeding Coventry).

Digital support was also a key feature here, particularly for people who struggled to access technology on their own. "Sitting with [them], we have like computers here that women can use, so sitting doing their UC, sitting here with one of our computers to do their video conferences" (Kairos).

Several organisations became more intensively involved in supporting people to deal with law-related issues, particularly where the services they provided were more holistic. In many cases, this practical support extended to physically accompanying someone to meetings and appointments. This included, for example, GP appointments, but also Work Capability Assessments for benefits. This could be to ensure someone makes it to the appointment in the first place (even giving someone a lift if needed), to provide support and reassurance while there, or to advocate for them, if appropriate.

"Yes, so we have to do a lot of that practical stuff, calling GPs, picking a woman up and taking her to an appointment, sitting in the waiting room with her, reassuring her it's alright. Sitting with her in the first appointment as well" (Kairos).

Accompanying someone to an appointment could be particularly important if they would struggle to communicate their needs or make themselves understood by professionals: "I think also the young people can leave out the vital information to get them where they need to go to as well, you know, which is why we need to be there" (St Basils). They may "feel let down," or disabilities may have been previously unrecognised, and "having somebody else as a voice" can help to link them to services (St Basils). One staff member at St Basil's described their role in setting up the appointment, then intervening if the person they were supporting "got stuck."

"So I instigate the conversation and find out who we need to be speaking to. And then when I do the phone calls we do it on loudspeaker and I encourage the young person to speak. And when they get stuck, then sort of say, can I speak? And get them to give me permission, so that I can try and explain it from their point of view and be an advocate for them and give them a voice" (St Basils).

In these instances, intermediaries recognised that they had to stay involved because the outcome would be better. Intermediary support could also help someone to stay engaged in processes, for example waiting somewhere comfortable while the organisation makes calls on their behalf (e.g. in relation to homelessness):

"Because if I've got, the woman's more likely to stay in the process, she can be asleep on the sofa whilst I'm on hold and then I'll just wake her up. She can have something to eat, she can have a shower. She can come in and out for a cigarette as much as she wants" (Kairos).

Advocacy could also include working with agencies before making a referral, to help ensure that services would be sensitive to their needs.

"You guys [...] do a lot of prep for the woman but you also do a lot of prep and advocacy prior to appointments and prior to people entering systems for professionals. So you might have a woman who needs a particular service but she's unable to access a service in the right way. She's unable to make appointments, she doesn't have a telephone, she changes her number on a regular basis. She's got such high anxiety that she struggles to meet new people, things like that. You might have to do quite a lot of advocacy to the service to say, this isn't going to work but she really needs the service, so you're going to have to change how you do things" (Kairos).

This was linked to a broader sense of systemic injustice and the multiple barriers that people face.

"And trying to support people with accurate information but knowing that the systems [...] that they're going up against are, you know, are racist, are not fair, are extremely unjust. The same with, you know, people that we've become aware of that we know would benefit from connecting to social services or children's services, but the fear that is there and a lot of it is justified. We've then had follow-up conversations with, you know, someone from children's services, who's very much asking questions from a particular angle. And we're doing our best to be like, actually this is a really positive situation, the parent is a really good parent and there's a lot that, you know, there's a lot going for them, they just need this extra bit of support" (Carriers of Hope).

In a number of cases, organisations described offering longer-term support, usually to work through complex issues.

"[W]e do tend to take people under our wings, don't we? And kind of support them the whole way. Even from, it's a big issue around food but then there's the bills, but just being here for them to pop in and say, I'm just having a shit day, can we have a chat?" (Feeding Coventry).

Feeding Coventry discussed one person, for example, who had been relying on food charities across the city for years and living in poor conditions. Their first step was to support them to access a GP, and from there to apply for benefits including Universal Credit and PIP, eventually also securing support from adult social care.

Building trust continued to be a key factor in being able to provide these more intensive forms of support.

"a lot of what we do is built on like a solid foundation of trust. And because we don't always get it right, we're imperfect, and it's a really hard job. But we really pride ourselves on like doing what we say we're going to do, not making any false promises, managing expectations. It's a very real relationship that's based on trust that we have with the women" (Kairos).

They also discussed the importance of providing a social space and facilitating community-building. Several intermediary organisations saw providing the opportunity for the community to be a central part of what they offer.

"And again the community thing of, okay, I've been volunteering alongside this person and this, you know, they've got their status and now this is what they've done. Oh okay, I can see that journey for me as well, that's part of the community aspect" (Carriers of Hope).

Challenges, limitations and tensions

There were a number of challenges, limitations and tensions for intermediaries in providing support to deal with law-related issues. As highlighted above, the intermediaries reflected on limitations in their legal capability, as well as their capacity and resources to offer support. They described struggling with some of the same barriers as the people they support, reflecting particularly on some of the challenges created by the pandemic and wider changes in access routes to services. They also struggled with limited capacity in the advice sector.

In terms of legal capability, they frequently mentioned some of their own limitations. We also observed throughout the interviews that, like the wider population, problems with a legal dimension were not always characterised as such (e.g. social care). They

commonly discussed having limited knowledge, which in turn limited how much support they could offer.

"[...] well it's hard isn't it, because, you know, there is a point when it isn't, not our responsibility, but, you know, we may not have enough of the expertise [...] things like housing [...] there's only so far we can go" (Carriers of Hope).

As this quote highlights, not only is there a limitation in levels of knowledge and expertise, but there is also an underlying tension in how far they should go in supporting people with legal problems and how much knowledge they should be expected to have. Importantly, there was a clear awareness of boundaries in areas such as immigration: "...with immigration law you have to be very careful [...] and we don't want to overstep the mark ever" (Carriers of Hope). There was no suggestion in these interviews, or our subsequent interviews with individuals, that intermediaries were engaging in activities reserved to those with legal qualifications.⁵ Another organisation recognised a limit where they "not as lawyers, not as legal professionals, could not [...] go any further with our advocacy" (Kairos).

However, a sense of obligation to respond to the needs of the people they support and help as much as they could contributed to them going beyond what they felt qualified to do.

"I had to translate what the client needs were to the solicitors and vice versa back. So that was, I was, I'm not qualified to do that either but I was trying to make their lives a lot easier, rather than, they're constantly ringing me and crying, they wanted help" (Foleshill Women's Training).

While a willingness to engage in training, as noted above, was often expressed to help them gain new skills and areas of knowledge, this was tempered by reflections on capacity

and resource limitations: "...it comes down to capacity and funding" (Foleshill Women's Training). They repeatedly mentioned and gave examples of how long it could take to help someone with a law-related problem, particularly when unfamiliar or "unique situations come up" and noted that "there's a lot of research involved and trying to get those services involved [...] it's not always readily at hand, you have to do a lot of digging to support, don't you?" (Rethink).

As a result of capacity and resource limitations, the level of support they offered could vary considerably. Reflecting on an occasion when they had stayed on the phone with the local authority for more than an hour with a client, one organisation commented that "...it depends on [...] what volunteers we have available, and we can't offer that to everyone" (Carriers of Hope). In relation to the challenges they face in providing legal support, another organisation explained that

"it really depends on the situation but I'd say that it's just that we don't have the capacity, we don't have the knowledge to deal with those cases, because in lots of instances it's just, it's not our speciality. And because we have so many cases we can't possibly know about like all situations (Feeding Coventry).

These challenges served to highlight the value of partnerships with more specialised organisations.

"I think we're limited by time and resources. [...] We are limited by our knowledge and experience and that's where partnering with other organisations is really important" (Carriers of Hope).

They described the benefits of having contacts at places like the Central England Law Centre, Citizens Advice Bureau and Coventry Independent Advice Service. There were, as noted above, good examples of such partnerships, including co-located advice services, as well as the Coventry

⁵ Legal Services Act 2007.

Women's Partnership.⁶ Others described, for instance, taking their own initiative to identify a person they could contact at local agencies.

"I have managed now to get my own contact at the CAB, which I'm able to [reach out to] for people with mental illness. Yes, it's just seeking out stuff that will help people, you know, help our clients go forward (Rethink).

The extent to which organisations had these links and partnerships, and the extent to which they were formalised, varied. However, even with this support, they still had a role to play, including responding to immediate needs for support. As noted above, they often had to stay involved after signposting or making a referral.

"So we feel like we really rely on organisations that can help us in these cases that are specialised in that. But because people are coming here and they are asking for, and the support is needed at the time, we are still there and have to be, we also feel the responsibility, as you said, to do something" (Feeding Coventry).

In a landscape of uneven service provision, they described trying to work out for themselves "[...] where are the places that are helpful to refer people on to that we know they'll be picked up and supported well? And where are the gaps that actually if we don't step in no one else will step in?" (Carriers of Hope). Alongside this, there was also a concern about filling gaps left by statutory services and having to "pick up the pieces" (St Basils).

Capacity limitations also reflected other dynamics, in addition to knowledge and resources, such as how much volunteers might be willing to do. While Coventry Foodbank had done a great deal of work to improve pathways for people accessing the

service, they also observed that:

"many of our volunteers, they simply just want to do something like a good deed, they just want to be there to support people and to help people. But they don't really want to get involved in the nitty-gritty of, well this person's got a complex life with complex needs and complex issues. I just want to give them a bag of food and get them out the door" (Coventry Foodbank).

The transactional nature of some encounters, described above, also limited how much they could help: "people are embarrassed to access a foodbank. So if you imagine that, the less time I can spend in a foodbank the better" (Coventry Foodbank).

For another organisation, the question of how far they should go was considered in relation to trying to enable the people they support to do things independently:

"I think we're constantly in dialogue about when we have to do for versus when we need to do with as well. And we try and obviously avoid like doing to a woman and that changes as we build that relationship, and also build hopefully her self-belief and self-resilience to be able to do things for herself" (Kairos).

Intermediaries also discussed the emotional toll of providing this support more broadly, including vicarious trauma, a sense of overwhelm, and frustration and disappointment when they knew they would not be able to meet someone's needs. One organisation, for example, expressed worry about whether they were following up enough:

⁶ FWT, 'Coventry Women's Partnership', accessed March 25, 2025, <https://www.fwt.org.uk/social/coventry-womens-partnership/>.

"I mean I'm just thinking of the times when I've rang the [organisation] and, you know, found at the time that, you know, someone was supposed to go down there and show them where, you know, where to go on the map and made sure that they understand..., like I probably should have followed up on those cases to see whether people had actually got there and if they got the support that they need. But like, you know, that's probably something, you know, I probably should have followed up" (Feeding Coventry).

Conclusion

This section has considered the perspective of trusted intermediaries, reflecting on the patterns of need and more specific law-related problems they see in the communities they support. Their accounts provide insight into the day-to-day reality for frontline services working with marginalised groups in Coventry. There is a great deal of need, and their accounts highlight how much of this need has a legal dimension. Their accounts also point to the presence of a diverse ecosystem of legal support in which intermediaries already play a significant role, acting as first port of call for many people who access their services, and often playing an integral role in supporting people to access justice. This includes signposting and referral, but also much more than this, highlighting the social and practical dimensions of dealing with legal problems. They also highlighted significant challenges, from their own levels of legal capability to pressures on the time and capacity of their services, as well as uncertainty about how far they should, or should be expected, to go in supporting people. The integral role of trusted intermediaries, and the challenges they face, warrant careful consideration as part of efforts to reduce unmet legal need and strengthen ecosystems of legal support.

3. THE EXPERIENCE OF LAW-RELATED PROBLEMS FOR MARGINALISED GROUPS

Key Findings

3.1 There were more than 130 law-related problems taking place among 35 participants (in a period of 30-36 months). Most had experienced between four and six interrelated problems. The most common problems were related to welfare benefits and housing. Many of these problems were unidentified (by either the participant or the intermediary), including entitlement to disability-related benefits and social care, and employment problems.

3.2 The majority of participants had been involved in legal processes. These included a wide range of predominantly civil processes and pre-proceedings, for instance, workplace disciplinary proceedings, review stages such as mandatory reconsideration in relation to benefits problems, debt relief orders and bankruptcy, asylum applications, separations and divorces. A significant number of participants had also been involved in court and tribunal proceedings or had been threatened with legal action (e.g. eviction).

3.3 Unresolved legal problems led to a range of negative impacts including being unable to pay for food and heating, deteriorating physical and mental health, emotional well-being, and challenges in practical aspects of day-to-day life. They resulted in lost social care assistance, poor or overcrowded housing conditions, and some lost their home altogether.

3.4 There were two primary clusters of problems. The first related broadly to a loss of income and included employment problems, benefits problems, debt, eviction and homelessness, often with underlying social care entitlement. The second related to a broad spectrum of family problems, often involving domestic abuse, and variously included divorce, child arrangements, child maintenance, child protection and linked problems with housing, benefits and immigration. In addition, problems were also related to or stemmed from complications with immigration status, including benefits, debt, housing and social care. These clusters could overlap, and problems were at different stages.

3.5 Problems were only exceptionally caused or 'triggered' by the pandemic and the cost-of-living crisis, but they were often exacerbated by them. Problems tended to reflect wider circumstances of financial precarity and poverty, as well as triggers including changes in health and family breakdown. Participants' accounts often highlighted much longer histories and antecedents.

3.6 Multiple systemic issues and barriers either exacerbated or triggered legal problems. These included complex and problem-prone processes, particularly in disability benefits, asylum and housing processes including poor first-stage decision-making, misinformation, delays, and dismissive and hostile attitudes. Participants struggled with systems and processes that largely do not accommodate their needs, including those related to disabilities and long-term physical and mental health conditions, or take account of the practical realities of their circumstances.

3.7 Most participants experienced significant barriers related to the use of digital technology. Digital poverty and deficits in digital skills contributed to delays and mistakes in legal and administrative processes. Problems related to submitting evidence and managing online appointments triggered and escalated legal problems including benefit sanctions and child protection proceedings. Some participants pointed to the benefits of doing things online, however, more complex processes created substantial barriers. Difficulties in speaking to someone to resolve issues caused additional stress and frustration.

Introduction

In this section, we explore the law-related problems that participants experienced in the time frame of the study and the circumstances that gave rise to them. Amongst our 35 individual participants, we identified more than 130 law-related problems taking place over a period of 30-36 months.¹ Each participant had dealt with at least one problem, and most participants had dealt with four to six different problems.² The vast majority of these problems were related to social welfare and family law, with welfare benefits as the most prevalent type, followed by housing and homelessness. In some instances, problems had started before March 2020, while others had emerged after that date. Most of the problems were ongoing at the time of the interview.

We start with a broad overview of the types of problems that arose, highlighting the nature of problems experienced and the different stages of issues identified amongst

participants, including their involvement in legal processes. We then consider how problems 'clustered' and the life circumstances in which they arose, how one problem often led to the next, and how the experience of multiple problems compounded marginalisation and disadvantage. This type of clustering has been widely recognised in legal needs studies more generally, as well as those focusing on marginalised groups.³ These studies have typically focused on demographic and socio-economic factors that predispose people to particular problems and clusters, identifying "life phases" and "transition points" when problems are likely to occur,⁴ specific "triggers" and events that lead to problems, and longer-term "pathways"⁵ to situations such as homelessness and destitution.⁶

Our analysis identified two main types of clusters, one related to a loss of income (and its consequences including employment, benefits, debt, housing and homelessness) and another related broadly to family issues, often stemming from domestic abuse.⁷ In addition to these two types of clusters, we also found particular issues related to immigration status. While some participants

¹ This varies by participant depending on when they were interviewed. While participants often referred to issues they had dealt with in the past, the specific problems counted here are only those that took place during the time frame of the study. However, we include problems that predate the study in the wider discussion and analysis. We have included within justiciable or law-related problems any "problems which raise civil legal issues, whether or not this is recognised by those facing them and whether or not any action taken to deal with them involves the legal system." See Pascoe Pleasence, Nigel J. Balmer and Rebecca L. Sandefur, *Paths to Justice: A Past, Present and Future Roadmap* (London: UCL Centre for Empirical Legal Studies, 2013). The total number of problems is most likely an underestimate, as our approach to identifying law-related problems was non-exhaustive, reflecting the qualitative nature of the study. With each participant, we relied on a combination of what the intermediary organisations had shared with us about them in advance, their own narratives and our interpretation of what they told us, even if they had not themselves identified a particular problem as being legal, as well as information reported back from their legal health check with CELC if they participated in one (n=11). Reporting back from the legal health check with CELC to the research team was done with explicit consent.

² The experience of multiple problems and problem clusters amongst participants in the study is consistent with prior legal needs studies which have shown that experiencing one justiciable problem increases the likelihood of further problems. As many prior quantitative studies have shown, "individuals reporting the experience of one justiciable problem have an increased likelihood of reporting the experience of further problems." See Pascoe Pleasence et al., "Multiple Justiciable Problems: Common Clusters and Their Social and Demographic Indicators," *Journal of Empirical Legal Studies* 1, no. 2 (2004): 302.

³ Ibid. See also Christine Coumarelos et al., *Legal Australia Wide Legal Survey: Legal Need in Australia* (Sydney: Law and Justice Foundation of New South Wales, 2012).

⁴ Pascoe Pleasence et al., *Reshaping Legal Assistance Services: Building on the Evidence Base* (Law and Justice Foundation of New South Wales, 2014), 109.

⁵ See, for instance, David MacKenzie and Chris Chamberlain, *Homeless Careers: Pathways In and Out of Homelessness* (Swinburne and RMIT Universities, 2003).

⁶ Gráinne McKeever, Mark Simpson and Ciara Fitzpatrick, *Destitution and Paths to Justice: Final Report* (London: The Joseph Rowntree Foundation and The Legal Education Foundation, 2018).

⁷ A substantial body of work supports the idea of multiple problems centred around family issues, which could include divorce, domestic abuse, child arrangements, and property disputes; these could also lead to a loss of income and problems with benefit entitlements, homelessness and immigration problems. See Hazel Genn, *Paths to Justice: What People Do and Think about Going to Law*, Book, Whole (Hart Publishing Ltd, 1999) and Hazel Genn and Alan Paterson, *Paths to Justice Scotland: What People in Scotland Think and Do about Going to Law* (London: Bloomsbury Publishing Plc, 2001). Clusters of problems may also be associated with social exclusion more generally, including rented accommodation, benefits, employment and homelessness. Homelessness in particular, as Pleasence et al. note, "is often characterized by the presence of further problems whether simultaneously or in sequence." "Multiple Justiciable Problems," 302.

were only dealing with an immigration problem, such as an ongoing asylum case; either of the two clusters above might be complicated by issues with immigration status and problems with housing were often linked with immigration (e.g. suitability). We situate these clusters in relation to three intersecting themes related to the life circumstances in which they arose: financial precarity and poverty, health and family. They included triggering events for problems such as loss of income (either benefits or employment income), relationship breakdown or a new or deteriorating health problem. However, these triggers were often set in the context of longer-term narratives and pointed to much longer histories and antecedents. It has been observed that "... for very disadvantaged people, problems themselves may have long and complex histories."⁸ This was true for the participants in this study, many of whom had complex needs stemming from traumatic past experiences, long-term disabilities and mental illness. We then turn to a discussion of the systemic issues that participants faced, which often exacerbated problems and drove problem clustering. These include issues such as delays, being given misinformation by services and dismissive and hostile service cultures across a range of different problem types, as well as the broader issue of digital exclusion.

Understanding how problems cluster is an important practical insight particularly for the design of interventions to enable the identification of problems, as well as anticipating – and potentially preventing or mitigating the impact of problems that are likely to follow. Participants' experiences problematise what 'early' intervention might mean in practice, highlighting the difficulty of separating "cause and consequence" in the progression of problems.⁹ They point to the need to consider in both the design and funding of legal services the continuum of legal support, in which different types of assistance may be needed for different discrete problems occurring in parallel or sequence. This approach incorporates enhanced legal capability at the community level to identify and anticipate common links between legal problems, better triage to the

sources of specialist assistance that can prevent the escalation of problems and the triggering of further problems, as well as improved access to legal information sources that are designed to anticipate clusters of problems and guide users to conjoined areas of legal information.

Problem types

In this section, we provide a broad overview of the main types of problems that arose for participants.¹⁰ Their accounts of specific problems give some indication of common experiences for people from marginalised groups. Most of the problems they encountered could be considered severe in terms of their effect on their lives – in many cases depriving them of basic necessities, risking or leading to destitution – reflecting their wider circumstances of disadvantage.¹¹ We identified problems at a range of stages, from potential but unidentified entitlements to benefits, to court proceedings for eviction, child protection, and asylum. The heightened level of engagement with court processes reflected the number of people defending proceedings rather than choosing to engage, for example in child protection, asylum and housing evictions.

Welfare benefits

Welfare benefits problems were by far the most common among participants. The majority of them were reliant on benefits for all or part of their income; most were in

⁸ Pleasence et al., *Reshaping*, 108.

⁹ McKeever et al., *Destitution*, 30.

¹⁰ We did not approach problem identification with a predetermined list, but we remained open to a wide array of justiciable issues. In practice, most of the problems identified related to social welfare law and they have been organised here to reflect areas of practice in the Central England Law Centre (as well as debt).

¹¹ Legal needs studies tend to ask participants to subjectively rank the severity of the problems they experienced. See for instance Pascoe Pleasence and Nigel J Balmer, *How People Resolve 'Legal' Problems* (Cambridge: PPSR, Legal Services Board, 2014), 75. Our assessment takes a more holistic approach based on participants' wider circumstances and the nature of the problem, reflecting the qualitative nature of the study. While some participants expressed the perceived severity of their problems, many had not recognised their problems at all (e.g. unidentified benefit entitlement) or actively downplayed their severity even though the impact on their lives was significant.

receipt of out-of-work benefits, and they were economically inactive due to long-term disabilities. The problems they faced were predominantly to do with disability-related entitlements, including unidentified entitlement, difficulties with application processes, and challenging decisions through mandatory reconsideration and appeal. A significant number of participants were also struggling with administrative problems and errors, high levels of deductions, sanctions and the threat of sanctions. The prevalence of these problems highlights the broader lack of awareness of benefits entitlements as well as the complexity of navigating benefits systems.

Participants were often not claiming their full benefit entitlement, this frequently stemmed from limited awareness or potential misconceptions about the benefits system. In several cases, this was expressed as uncertainty about entitlement and whether they were receiving the right level of benefit, for example in the context of a change of circumstances like a partner moving in. More commonly, however, participants were unaware that they could be claiming more. Several participants, for example, appeared to have underlying eligibility for Personal Independence Payment due to the impact of physical and mental health conditions on their day-to-day lives. Some were also likely eligible for additional benefits due to their role as carers. This highlighted wider problems with awareness of benefits entitlements, as Coventry Foodbank reflected,

"And many people simply can't get their heads around it, you know, they struggle with, what am I entitled to? You'd often meet somebody at the foodbank, and they'll say, you know, we have a benefit checker that we can access, so we've got benefit checkers and you say like we've got a benefit checker. And they say, no, I'm getting what I'm entitled to, or they believe they're getting what they're entitled to, but the DWP has told them that this is what they're entitled to" (Coventry Foodbank).

It was clear that some participants had not been told about their eligibility for particular benefits, despite engagement with the

Department for Work and Pensions. As one participant who was struggling with a serious health condition recounted,

"I went to the local job agency, I was told just to fill in a form. They didn't tell me I had to fill in a medical form" (ZG).

She missed out on her entitlement because she "didn't know anything was wrong" (ZG). Another participant who had only reluctantly applied for Universal Credit with support from an intermediary organisation recounted, "[...] you're not told what you can claim for. You're not told boo for a goose" (M). Others expressed an awareness that they could claim more, but they hadn't because they anticipated that the process would be difficult.

These difficulties played out for other participants who had applied for benefits, particularly Personal Independence Payment. They all described significant challenges including the application form itself and the medical assessment. It was described by one participant as being "absolutely brutal," and it "was extremely stressful trying to do the application" (V). The challenges they faced often related to disabilities, for example, fluctuating conditions and mobility issues that lead to missed appointments, mental health conditions that make it difficult to cope with stressful situations or communicate clearly, and difficulty reading and processing information due to learning disabilities. Disabled participants and those with long-term health problems also struggled to get 'Limited Capability for Work' (LCW) and Limited Capability for Work-Related Activity (LCWRA) on Universal Credit.

While in some cases initial applications were successful, several participants had to challenge decisions via Mandatory Reconsideration requests or appeals to the Social Security and Child Support Tribunal. While some people had been supported with the appeal process, others managed on their own and struggled, for instance, by initially making multiple applications rather than challenging the original decision. In addition, a significant number of participants were dealing with serious administrative problems

and miscalculations of their Universal Credit. These issues included miscalculations of the housing element, residency and immigration-related problems leading to benefits being stopped, and benefits not being reinstated following the end of a work placement. In all these cases, the benefits issues lead to loss of income and the accrual of debts, usually rent arrears leading to the threat of eviction, as well as council tax and other debts. Another participant was dealing with high levels of deductions for debts, which meant that he was living on £10 per week.

These problems related more broadly to challenges participants faced in managing their benefits and struggling to navigate complex systems. Digital barriers were particularly prominent in relation to welfare benefits problems, where the difficulty of navigating online systems was often an aspect of the problem they had encountered.

Housing and homelessness

Problems related to housing and homelessness were the second most common issue experienced by participants. This encompasses a broad range of issues, from homelessness and the risk of homelessness and navigating relevant processes to housing disrepair, evictions, and problems in supported accommodation.

A significant number of participants had been homeless or were at risk of homelessness within the timeframe of the study. This in part reflects that one of the intermediary organisations specifically supports homeless youth and youth at risk of homelessness, but experiences of homelessness were not limited to these participants. They had been made homeless due to a range of factors and circumstances, as we explore in the next section, including no longer being able to stay with family or friends, overcrowding, mental health crises, release from prison without accommodation and evictions. Several participants had been recently granted refugee status, and they had declared themselves homeless to the local authority once that status had been granted.

Most participants did not go into a lot of detail about the process of seeking homelessness support from the local authority, and some of the homeless youth

appear to have contacted supported accommodation directly.¹² One participant who had been homeless and tried to access support from the Local Authority recounted: "I filled out the form but they didn't get back to me. They emailed me five weeks later being like, oh are you still homeless, do you need help?" (V). In another instance, a participant recounted being told that she needed to be witnessed rough sleeping in order for her application to be accepted and needing advocacy from an intermediary to ensure policies were being followed. "I was on their case, Support Worker and that was emailing them and that's why I got offered another property, because I don't think I would have otherwise, if people weren't emailing them" (R). A further two participants were at risk of homelessness due to an impending order for sale following a divorce, while two more were statutorily homeless, one with no apparent entitlement to be housed due to their immigration status, and another who was potentially eligible for support under the Children Act 1989 s17 (discussed below in relation to health and social care). Two participants who had been homeless previously were at risk of homelessness again due to not being able to remain in supported accommodation.

For those who had been offered accommodation by the local authority, their issues tended to be with the suitability of accommodation and the potential risk of losing their housing entitlement if they rejected an offer. One participant who questioned the suitability of the property she had been offered recounted being told "you are homeless, you can't choose any one" when she voiced concerns (D). Another was threatened with social services intervention. Another participant described how she and her family had initially been housed in a property that was riddled with damp. The property also lacked adaptations for her disabled son, meaning that she had to carry him up and down the stairs. She was relocated after complaining, but the new property is overcrowded. It also lacks adaptations for her son's disability, meaning that she still has to carry him up a set of stairs,

¹² Their experiences took place before the recent opening of a Youth Hub, run by St Basils, in Coventry.

and there is nowhere to store essential equipment for his disability.

The threat of eviction arose for several participants, usually as a consequence of rent arrears that were directly attributable to benefits problems. One participant was in the process of being evicted from supported accommodation at the time of the interview. In at least one instance, a participant had been unlawfully evicted (ZC).

Several participants were dealing with serious, protracted and unresolved housing disrepair issues, all of them in social housing. These included damp and mould from flooding. As one participant described “it was pouring through the ceiling, pouring through. We had to put pans down and all the wall and the plaster and everything got soaked, all the ceilings, and yet they left it for ages” (ZG). Disrepair was also a consequence of poor quality or partially completed improvement work, as one participant described in relation to a faulty shower:

“...my shower door had a problem. So it’s like, just needed the hinges changed and they decided to change everything. So they decided to change the shower and I still don’t have a shower [...], it’s leaking as well” (E).

When participants tried to resolve these problems, their concerns were repeatedly dismissed, or they were told the work would be done, only for months or even years to pass with no resolution. “So, yes, the ceilings are hanging down, the wall’s going to fold. It’s dangerous, they just won’t listen. I’ve told them time and again.” (ZG).

Health and social care

Health and social care issues arose for nearly half of the participants. In most cases, this was related to disability and the unidentified need and potential entitlement to adult social care, either as people in need of care and support or as carers.¹³ This most likely reflects the wider lack of awareness and public

understanding of adult social care in the UK.¹⁴ It also suggests that at least in some cases, the local authority may not be complying with its duty to assess when it becomes apparent that someone may have care and/or support needs.

Only one participant had been assessed and found to have eligible needs related to his autism. He was subsequently denied a care and support plan, though it was unclear on what basis. As the participant’s father recounted “[t]heir actual quote was, how can somebody with a [...] degree not be able to do all this stuff” (ZD2). As part of this process, the parents were never offered a carer’s assessment, despite caring for two disabled adult children. They did not try to challenge the decision about their son, “I had a nervous breakdown, and I was having a little bit of a relapse at the time. So I wasn’t in the kind of position to challenge that” (ZD2). Several participants appeared to have eligible needs, but they had never been assessed. A parent carer described how difficult it is to take a break from her caring responsibilities for her son with complex needs, “I couldn’t just like go on holiday or stuff and just leave him, as much as I’d like to. I’d love to be somewhere in the sun now” (N). While her son had an Education, Health and Care Plan (EHCP), she had never been offered a carer’s assessment, and she didn’t appear to know anything about support she might be entitled to.

There were also two cases related to s17 support with lone parents, migrants who had no recourse to public funds. One participant, an asylum-seeker with two dependent children, who was undergoing treatment for terminal cancer, had accessed support under the Children Act 1989 s17 with the help of the Law Centre. A young mother, destitute with a small child and pregnant, who had overstayed a student visa, was told by social services that she wasn’t eligible for s17 support due to her immigration status: “they said I’m not eligible for that. I have to wait for when I get my status before they’re able to help me” (ZF). Two participants had been sectioned under the Mental Health Act 1983. While these were significant events for the

¹⁴ See Jon Glasby et al., “Building a Better Understanding of Adult Social Care,” *BMJ* 382 (July 2023).

¹³ Care Act 2014.

participants, it was not something they had sought to challenge. In one case, the participant seemed to regard it as having been necessary due to severe psychosis. In the other, he explained that he had “lost a year of his life on wards six months at a time [...] and I’ll never get that back,” though it was not clear he had ever had any information about his rights in those instances.

Debt

Debt problems were frequently discussed by participants, and all of them were struggling to make ends meet. We expect that some participants may have had debt problems based on their financial circumstances, but they did not volunteer this. In all but two instances, these were ‘problem debts’, meaning that participants had struggled to pay them, with several being threatened with court action or visited by bailiffs. Even where this was not yet the case, participants were concerned about their ability to pay in the immediate future.¹⁵ In most cases, debts were directly related to problems with welfare benefits, including errors and miscalculations in which a loss of income, even temporary, from welfare benefits, led to priority debts including rent arrears, utilities and council tax. At least one participant had deductions from their benefits for debt. Debt could also arise while not claiming their full benefit entitlement, coping with strained finances as they transitioned between jobs, or because they had incurred debt anticipating they would have the means to pay it. Several participants had accrued significant credit card debt from relying on them to pay for necessities on a regular basis, and in one case significant credit card debt had been accrued during a manic episode. One participant, a migrant, single mother, had a large, outstanding bill from the National Health Service for the birth of her child, with no income to pay it.¹⁶ Several participants also had personal debts.

Some participants had managed to resolve debt problems, most often by paying the

debt, irrespective of whether other options might have been available to them.

“I would pay some and I would use some to eat a little bit, you know, which I wanted to ensure that all the debt is gone, that I’m fresh in my mind. That I don’t have someone knocking, oh we are coming to take the things from your house because you didn’t pay this, you didn’t pay that” (G).

Only a small number of participants had debt relief orders or declared bankruptcy to deal with their debts. For others, debts were an ongoing or recurring problem. This was sometimes linked to difficulties in managing their finances more generally (discussed below and in section 6).

Immigration

There were a range of immigration-related issues amongst participants, with several involved in lengthy asylum appeal processes. One participant without any formal status was struggling to gather the necessary paperwork to gain status through her infant son who was born in the UK. Several participants had struggled with citizenship applications for themselves and their family members, and two participants needed support applying for settled status. One participant was struggling to travel internationally with her children following her separation from an abusive partner.

Immigration-related processes were also identified as being particularly complex and overwhelming. One participant, described above in relation to social care, recounted the steps she would need to take to regularise her immigration status through her son, a toddler, who had been born in the UK :

“So after giving birth, I was waiting to apply for his [passport], to use his own to get mine. So, you know, the process is not easy. They said I have to get a Nigeria passport first before I apply here. So it took almost five months before getting the Nigeria passport. So I just applied I think December, so it’s still pending” (ZF).

¹⁵ Citizens Advice, *Who is Stuck in Problem Debt?* (Citizens Advice, 2017).

¹⁶ For a discussion of this problem see Rayah Feldman, “NHS Charging for Maternity Care in England: Its Impact on Migrant Women,” *Critical Social Policy* 41, no. 3 (2021): 447–67.

Delays were a common theme in relation to immigration problems. One participant had been waiting over a year for a new biometric residence permit card, creating fear and stress, and inhibiting her ability to make plans: “[i]t takes a long time until it comes to you. I’m not happy for that. Sometimes I’m scared, I said maybe for next summer coming and again I’m not seeing my family. Yes, it is a stress for me sometimes” (D). In other cases, participants had been waiting years for decisions about their cases.

Family and domestic abuse

Family problems and domestic abuse were relatively common among participants, affecting almost a third of them, predominantly women and the majority of lone-parent households in the study. They included several experiences of separation and divorce, child arrangements, child maintenance issues, and child protection, as well as many experiences of domestic abuse. Domestic abuse included intimate partner violence, coercive and controlling behaviour, and child abuse.¹⁷ For several participants, coercive control was ongoing, even if they had left their abusive partner. In another instance, domestic abuse was only disclosed after the interview, as part of the legal health check with CELC. Domestic abuse often intersected with other family problems. For many participants it formed part of a longer-term narrative preceding the timeframe of the study, producing forms of instability that had enduring effects on their lives. It had left some participants with ongoing immigration problems and housing instability, as we explore in the next section.

Participants dealing with divorce or separation, child maintenance, child arrangements and child protection had either struggled significantly to find legal help or were navigating the problem with limited or no advice, or awareness of their potential rights. They experienced difficulty accessing legal aid for divorce, despite having

experienced domestic abuse. Two participants were dealing with child maintenance issues. Neither were receiving any payments; one had foregone pursuing it and the other did not appear to be aware that they could. One parent who was in the midst of a divorce was struggling to find advice following an incident that had led to his son moving from his ex’s home to his.

The Children and Family Court Advisory and Support Service (CAFCASS) had been involved and he was desperately worried about what would happen next. “I don’t know what’s going to happen. I don’t know if someone’s going to come and say he’s got to go back to mum” (A). The cases where participants were actively involved in child protection proceedings were particularly concerning because of how little they seemed to know about their cases, what was happening next, or what their rights might be.

“I couldn’t really like do anything. They basically took them. They’re not, basically not telling me if I’m allowed them back or anything like that” (W).

It was unclear how much advice or help they had received. In one of these instances, the participant had a significant learning disability.

Employment and discrimination

All of the employment problems identified potentially incorporated elements of discrimination, including four cases of potential unfair dismissal related to long-term illness and disability, and in one instance, pregnancy. Another participant was having difficulties at work due to a health condition and a lack of reasonable adjustments; another had been regularly receiving harassing ‘welfare calls’ from their employer, and one participant suspected they were being discriminated against at the application stage for multiple jobs due to their disability. In many cases, experiences of employment discrimination had not been identified, with participants accepting the loss of a job as a normal consequence of developing a health condition. The loss of work due to employment discrimination often led to problems with welfare benefits.

¹⁷ We took a trauma-informed approach to interviews (see Appendix A). In several cases, we had a request in advance to not ask about domestic abuse. These issues were not explored in any detail unless this was volunteered by the participant. Therefore, in most cases, it was not clear whether any form of legal action had been taken in relation to the abuse. There was, for instance, no mention of non-molestation orders.

Legal processes

A relatively high number of participants mentioned participation in legal processes.¹⁸ This somewhat bucks the trend of surveys since the Paths to Justice survey in which participants rarely mention legal processes.¹⁹ In general, legal needs studies suggest that court-based processes form a small minority of instances in which legal needs arise.²⁰ We found far more participants engaged in processes, both as individuals and as a proportion of the problems identified (about a quarter). As we explore below, participants' narratives and engagement with legal processes provide insight into the experiences of people from marginalised groups, which differ from the wider population. The high prevalence of legal processes, and the difficulties that people had in navigating and understanding them, have significant consequences for the role and appropriate forms of early intervention.

In keeping with previous studies, participants' often vague sense of stages and what was happening in formal processes point to the fact that they are not well understood.²¹ However, legal processes were raised in the majority of interviews. These included a wide range of predominantly civil processes and pre-proceedings, for instance, workplace disciplinary proceedings, review stages such as mandatory reconsideration in relation to benefits problems, debt relief orders and bankruptcy, asylum applications, separations and divorces. Several participants had been threatened with legal action, for example receiving eviction notices (for rent arrears) or parking fines. One participant was pursuing separate medical negligence and personal

injury claims. A significant number of participants had also been involved in court and tribunal proceedings. These were in family court—including divorce, child arrangements and child protection proceedings—and housing court, as well as tribunals for benefits and asylum. Some wanted to take legal action, but they were prohibited by the cost of obtaining a lawyer. Several participants had also been involved in court and tribunal proceedings prior to the timeframe of the study. These earlier instances influenced their more recent experience of problems and how they responded to them.

There are several observations we can make about participants' engagement with legal processes. Firstly, as noted above, the high prevalence of legal processes amongst participants reflects, in part, their demographics and life circumstances and, by virtue of those factors, the nature of the problems they faced.²² The most common example is refugees and asylum-seekers, who are by definition engaged in a legal process. In addition, benefits problems, as Genn has noted, tend to require formal resolution (if they are resolved at all).²³ Family problems also tend to have higher engagement with courts.²⁴

Secondly, in many instances, a combination of factors had led to problems escalating to proceedings. The reasons appear to be complex and are linked to the reasons that people don't act or handle problems alone (see section 4), as well as wider systemic issues. The fact that such large clusters of legal issues were involved could provide one explanation, as this meant that early action to avoid proceedings was hindered, particularly in relation to eviction, which usually followed unaddressed problems with benefits and debt. In other cases, the lack of availability of help may have driven more cases to formal stages. A lack of early access to independent legal advice contributed to the escalation of child protection cases. Wider systemic issues

¹⁸ For the purposes of inclusion, the range of responses that fell within scope include both formal court-based processes such as appeal and review as well as pre-proceeding processes that are constructed as necessary precursors or substantive elements of later formal processes, for example, eviction notices, workplace proceedings. Legal needs studies usually include some focus on processes. For discussion see OECD/Open Society Foundations, *Legal Needs Surveys and Access to Justice* (Paris: OECD Publishing, 2019), 78. Surveys routinely include some focus on courts and tribunals, as well as typically exploring "mediation" and "negotiation." See Pascoe Pleasence and Nigel J. Balmer, *Legal Problems*, 2.

¹⁹ Hazel Genn, *Paths to Justice*, 150.

²⁰ Ibid.

²¹ Ibid., 151.

²² See Nigel J Balmer et al., *The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need* (Melbourne: Victoria Law Foundation, 2023), 119.

²³ Genn, *Paths to Justice*, 163-164.

²⁴ Balmer et al., *Everyday Problems* (Melbourne: Victoria Law Foundation, 2023), 120.

are clearly highlighted in relation to Personal Independence Payment, where not having assistance with the early stages of a Personal Independence Payment (PIP) application or subsequent mandatory reconsideration contributed to the need for a formal appeal, eventually leading to a successful award. However, the overturn rate for mandatory reconsideration requests is very low, particularly when compared to the rate at the appeal stage, indicating a systemic problem that drives the escalation of problems to legal proceedings.²⁵

Thirdly, while prior studies have pointed to a much higher prevalence of “exposure to legal proceedings [...] as a defendant,”²⁶ there was a relatively even distribution of instances where participants had initiated legal processes and where they had been brought against them. In some cases, access to advice led to engaging a legal process (e.g. a debt relief order, some benefits appeals); in other cases, engaging a legal process such as asylum was more a necessity than a choice, with or without advice. Their experiences with these processes suggest that they often feel like defendants, even if they are the ones bringing the claim. For instance, in relation to an ongoing claim for asylum, one participant remarked, “It’s just a shame because I am not here to hurt or kill anybody, so I don’t know why the Home Office wouldn’t grant a very humble human being like me” (L).

Many participants described appealing or challenging a decision and going through court and tribunal proceedings as an ordeal. “It was horrible. My future put in the hands of a judge who knew nothing about me” (J). This participant’s divorce hearing had taken place online, which created further challenges in relation to access to devices and uploading documents. They often felt the system had failed them even if their case ultimately led to a successful appeal (see section 5).

“Then it came to the court date of the PIP appeal, I was represented [by advocate and TI]. There wasn’t really much other than questions, I answered them honestly. Then on the same day I received my award of high rate PIP and low rate mobility, which I was really, really pleased about. They said they would backdate the payment to the date that I made my claim and it was left there. What I would have appreciated was [an opportunity to give] feedback because if I could have fed back how I felt with the service I would have voiced, actually you failed me. And that’s no shock because I think you fail loads of people, but you need to realise that some people can’t communicate verbally and written.” (T)

These feelings about the processes themselves were relatively unaffected by having representation, even if, as (L) described, “they made things go really smoothly.” However, access to advice and legal representation did make a significant difference for participants in terms of enabling them to take effective action and engage with legal processes, as we explore below, though they often struggled to obtain it, and participants had represented themselves in several instances.

Overall levels of knowledge and understanding of these processes was low, as noted above, with participants often feeling in the dark about what was happening in their cases (see section 6). This was particularly common in immigration cases where communication with lawyers was identified as a problem, but it was a feature of discussions of legal proceedings more generally. In some cases, participants were at a distance from ongoing legal action, and they knew very little about what was happening. For instance, one participant who had been door-knocked by solicitors who were building a disrepair case only knew they had taken some photos

²⁵ House of Commons Work and Pensions Committee, *Fifth Report of Session 2022-23: Health Assessments for Benefits* (London, House of Commons, 2023), 47.

²⁶ Genn, *Paths to Justice*, 151.

and were taking his landlord to court.

"We're still now listening, when I get a reply off this [law firm], because they're taking them to court [...]. It was like a chap knocked on our door and he said, oh have you got mould? I said, come on in mate, have a look [...]. Well they've took photographs with a tablet like you, filmed it. They said, well we don't know about your flooring [...]" (M).

The experience of problem clusters

On an individual level, with limited exceptions, everyone's problems fell into interrelated pairings and clusters. Problems often arose from the same set of circumstances or emerged in a sequence, as part of an "additive" or a "cascade" effect in which the experience of one problem increases the chances of experiencing others.²⁷ Participants' experiences demonstrate how complex and varied clusters can be in practice, while also pointing to the commonality of some patterns. Broadly, as noted in the introduction, there were two main types of clusters. One centred primarily on the consequences of a loss of income. In these cases, there was a trajectory that might start with a loss of income, due to losing a job (sometimes as a result of employment discrimination) or a benefits problem; those who had lost jobs usually then faced problems when claiming benefits. The loss of income or problems with benefits quickly led to debt, including rent arrears, and the threat of eviction or homelessness. Social care entitlement often also arose in these cases due to underlying disability.

The other main cluster centred primarily around family issues. These clusters variously involved domestic abuse, divorce or separation, child protection, and child arrangements, as well as linked benefits and housing issues, though usually only some of these elements. It was not uncommon for

these two clusters to intersect with each other, such that someone dealing primarily with family-related problems might also have a benefits issue or debt, or vice versa. We also found that problems related to immigration status could complicate either of these clusters or trigger further problems, and clusters often involved problems at different stages.

In this section, we explore and contextualise these clusters in the lives and wider circumstances of participants. Several overarching themes emerged regarding the circumstances that shaped and influenced their experiences of problems. These were 1) financial precarity and poverty; 2) health; 3) family. It was these longer-term circumstances that tended to lead to problems, rather than more immediate triggers such as the pandemic or the cost-of-living crisis. Very few problems had been 'triggered' by the pandemic or the cost-of-living crisis, but rather were exacerbated by them. In those cases where the pandemic had been a trigger, it was clear that their underlying circumstances also played a significant role. These problems also perpetuated cycles of disadvantage through their impact, including on finances, health, and emotional well-being, as well as practical impacts on day-to-day life.²⁸ In the vast majority of these cases, there was a lot at stake for participants, even when the problems may seem minor. The nature of the problems explored in this study and the precarity of the participants mean that while people can be incredibly resilient, their margins for error are also very small.

Financial precarity and poverty

The majority of the participants, as noted previously, were reliant on welfare benefits for their income because they were economically inactive due to long-term health conditions and disabilities. While some worked (or had partners in work), their incomes were low, and their jobs were usually

²⁷ The "additive effect" is discussed in Pascoe Pleasence et al., *Reshaping Legal Assistance Services: Building on the Evidence Base: A Discussion Paper* (Sydney: Law and Justice Foundation of New South Wales, 2014), 9. See also Genn, *Paths to Justice*, 35.

²⁸ Legal needs studies have consistently found significant impacts associated with the experience of legal problems and unmet legal need, including stress-related ill health, loss of income, and fear. For a recent example see Nigel J Balmer et al., 'The Public Understanding of Law Survey (PULS) Volume 1: Everyday Problems and Legal Need' (Melbourne: Victoria Law Foundation, 2023), 88.

precarious, and most were receiving additional benefits – sometimes topping up income within households with Universal Credit, or receiving non-means tested benefits such as PIP. Some participants were also asylum-seekers living on asylum support. In two cases, participants had no income at all, except what they could get from informal work, or friends and family. While having a low income itself was not a 'trigger' for problems in the sense of being a discrete event, it meant that when problems did arise, their impact was severe and contributed to the emergence of further problems. Debt was also a direct consequence of having a low income.

Most participants spoke about strained finances, including the increasing pressure of rising household bills in the context of the cost-of-living crisis. "It's a big struggle, certainly in the last few months. [...] The electricity bills going up, that was a worry but it's more of a worry now, to be honest" (A). They used a variety of different strategies to get by, including working multiple jobs:

"At the moment I'm doing these two jobs to be able to pay the bills, you know, the bills have gone up. And then because I do two jobs I get taxed a lot, you know, that's what it is" (G).

However, it was clear that this financial hardship was not new, even if it had worsened due to the cost-of-living crisis. The same participant commented on his earlier reliance on welfare benefits:

"...I was getting a little bit of money from my benefit, which was £80 per week or something like that. And that's not enough, you can just buy food, you know, but you can't buy clothes" (G).

More commonly, participants described changing their spending habits and just making do with less on a fixed income. This included carefully metering out electricity and gas, giving away or no longer using large appliances, or limiting computer time to save electricity.

"It's going to be harder now because of what's going on with the gas and the electric, I have noticed the difference, but I can't leave [my son] in a cold house. I've got my thermostat thing on quite low but things like, I had a tumble dryer, I gave my tumble dryer away because I can't afford to use it. I've got a heated airer and I've got two of those other airers in the house for washing. I've got a dishwasher but it's currently disconnected because we can't afford to use it" (N).

They also described making choices between looking after themselves or looking after their children: "[a]s long as my child has got, I don't care about myself" (Q). Making ends meet could also mean changing how they eat. As a mother of two living on asylum support and charitable assistance explained,

"...if you go to Tesco, there's no shop you go to now, there's nothing cheap anymore. So you can't eat the way, I told my children, I gave them meals, I told them, we can't eat the way we used to eat, we need to calm down" (L).

In other instances, this could also mean going without and getting by with the limited support they could get from local organisations.

"I sit there and I go without. I go without or I'll come up here on a Wednesday and I'll have a ham and cheese toastie, then I'll have some sandwiches to take and then I'll have some crisps and some fruit. But I do like my hot drinks because I can't afford my gas" (P).

This participant was only able to turn on her heating for a few hours a day, using "[t]wo hot water bottles, one at the back because of my sciatica, and one at the front because I go all tense and when I tense it's not good for me" (P).

Those in the most dire financial circumstances, usually asylum seekers and migrants with no recourse to public funds, but also those struggling with benefits problems, relied almost entirely on charitable support and the occasional generosity of friends to have their basic needs met:

“...god bless them, they are helping me too much and, you know, I get some of my food from there, food, clothes and everything they gave me. And also give me right now, every day” (ZA).

Most participants had accessed charitable food support at some point in the recent past. Participants often focused on small points of frustration or indignity that flowed from ongoing financial hardship. For one participant it was continually getting holes in her socks: “I’ve got shoes with holes in the bottom and it’s not the holes in the bottom of my trainers that bother me, it’s the fact that they make holes in your socks (ZG).

Financial hardship was exacerbated for many participants by underclaiming benefits, and some had been subsisting with long-term, unresolved benefits problems (which also led to debt). Others were negotiating thresholds around entitlements for support, for example deciding whether it was worth working when this meant they would have to pay council tax or lose access to free school meals (F).²⁹ Those who were marginally better off financially (i.e. they may have been claiming their full benefit entitlement or working) were also struggling significantly and at risk of legal problems. “Doing well,” as one participant put it, was a matter of “not being on the brink” (H2). One participant described how even in the best of circumstances, they were not able, for example, to replace broken appliances.

“[o]ur tumble dryer has broken, the washing machine is on its last legs, and we need a new freezer, and we can’t afford any of those things. It’s like it never rains but it pours” (J).

When her partner lost his job in a likely case of employment discrimination, they were quickly overdrawn and placed at risk of debt problems: “this month since they only gave [my partner] half pay, we’re like overdrawn” (J). They were struggling to work out whether it would be worth applying for additional benefits or not. Her partner (K) continued to challenge his former employer without much progress, and he had started to look for a new job despite his ongoing illness.

Against this backdrop of financial precarity, legal problems were often precipitated by a sudden loss of income and then accumulated rapidly. This was the case for two participants whose problems were more directly related to the pandemic. One participant and his father had been sharing a social housing property. His father’s benefits were stopped. This legal problem quickly produced others. They were soon in rent arrears and threatened with eviction. He tried to deal with the rent arrears by taking on two jobs, even though he was early in recovery from mental illness. However, when his father died of COVID-19, the situation worsened again. He was faced with further debts as well as the cost of the funeral, while still dealing with the ongoing eviction.

“And then my dad got sick and then, oh god, that was so demanding, you know, caring for him, then passing away. Then burying him, which was even tougher for us because we had to find money to pay everything” (G).

Although he continued to work, only one of his two roles was furloughed during the pandemic, creating additional financial strain. He was still working two jobs at the time of the interview. He wasn’t claiming any benefits, even though he would most likely be eligible for PIP.

In another case, a young woman (T) lost out on expected income because of the

²⁹ For a discussion of the prevalence of in-work poverty in the UK, see Jo McBride and Andrew Smith, “I feel like I’m in poverty. I don’t do much outside of work other than survive”: In-work poverty and multiple employment in the UK,” *Economic and Industrial Democracy* 43, no. 3 (2022): 1440-1466.

pandemic, leading to a series of legal problems including homelessness. She was already living with a family member after leaving an abusive relationship. She left her job as a complex care worker, in anticipation of starting an apprenticeship in March 2020. It was postponed due to the emerging pandemic. This left her without a job or income. She took some poorly paid work in domiciliary care but struggled with the health and safety conditions and a lack of personal protective equipment (PPE), and she gave this job up. When her family member passed away, she could not afford accommodation of her own. She was made homeless, and her mental health declined dramatically. She was supported by a family from her church for a time, but she could not seek work due to her mental illness, and she had accrued significant debts. She was able to access temporary accommodation and was placed in social housing by the local authority. Her mental health difficulties and poor first-stage decision-making meant that it was some time before she could access benefits.

Longer-term narratives also pointed to market exclusion³⁰ and the background of deindustrialisation in the city, with, for example, prior redundancies influencing their current circumstances.

“[...] I was on the dole then. I got made redundant through, what was I doing then? I was a machine operator at Local Business 2, I was like a dog’s body. I had a row with the inspector and I got the push because I was young and they kept him on. I told him where to go and he didn’t like it, so he reported me and I got the push. So that was that and then I was on the dole” (M).

Since then, he had done multiple restart programmes but never returned to work. He subsequently became a full-time carer for his disabled wife. His more recent experience of law-related problems revolved primarily around benefits and housing.

In the vast majority of these cases, problems with benefits had left participants with very little to live on. As one participant described,

“[w]ell it did come a point when I was actually starving, literally. I’d got no food and that’s a regular thing most weeks, that was continuous. You see even now I’m still trying to recoup what was lost there, you know, just with everything. I was actually starving. I’ve got diabetes and I hadn’t had any food for three days. I thought, god, something’s going to give here, you know” (ZG).

We have framed these cases in terms of loss of income, financial precarity and difficulties in accessing the benefits system. However, both participants were also affected by serious health difficulties and loss of close family support. This was a common pattern across our interviews; clusters of legal problems were shaped by complex and ongoing circumstances which do not fit neatly into any thematic analysis.

Health

Most participants had some form of disability or long-term physical or mental health condition. This often influenced their experience of legal problems. Health-related changes or fluctuating health served as triggers for legal problems, and participants also faced declines in their health as a consequence of legal problems emerging. Many participants were also not claiming disability-related entitlements to benefits or adult social care. Unresolved problems also exacerbated health conditions in some cases.

Developing new health conditions or the worsening of symptoms of prior health conditions often triggered clusters of legal problems. This was the case for one participant, for example, who had taken an early retirement due to developing a serious health condition. She claimed Universal Credit right away, but while waiting five weeks for the payments to start, fell into rent

³⁰ See discussion of labour market exclusion in McKeever et al., *Destitution*, 31.

arrears and received an eviction notice.³¹ She was able to negotiate to pay the arrears in instalments and keep her home with a local social housing provider. She was still making payments at the time of the interview. However, it was more than two years from the start of her initial claim before she had a Work Capability Assessment, even though she was too unwell to work. In the meantime, she had to "stagger down there every six weeks, really ill, and the doctor had to send the paramedics out twice with oxygen. I had to keep going down and in effect, signing on" (ZG). She had only applied for Personal Independence Payment more recently, and she was still awaiting a decision at the time of the interview. At the same time, she had been dealing with serious and protracted disrepair problems resulting from a flood on the first floor of her social housing property three years prior. This had left her home "virtually unliveable now" and worsened her health condition (ZG).

The health-related changes that gave rise to problems were not always sudden. Several participants described health conditions that had affected themselves or family members for most or all of their lives. However, they had only become aware of their benefits or social care entitlements more recently, if at all. Living without these forms of support could lead to an accumulation of issues over time. One participant (ZD2) who was a parent-carer to two adult disabled children had only recently attempted to access support from adult social care for his son. He and his wife had likely been entitled to this as well as carer's support for many years. They were ultimately denied support but did not challenge the decision. In the meantime, his own health had been declining. He was having difficulties at work due to needing extended periods of sick leave, and he was concerned about losing his job. He was reluctant to start the application process for Personal Independence Payment for himself, fearing it would be an ordeal.

If not directly triggered by them, their experiences were also often shaped by health conditions. This included, for example,

fluctuating conditions and mobility issues that lead to missed appointments, mental health conditions such as post-traumatic stress disorder (PTSD) that make it difficult to cope with stressful situations or communicate clearly, and difficulty reading and processing information due to learning disabilities. These challenges could contribute to problems emerging or worsening, leading to further problems, often reflecting a lack of accommodation or support for these conditions as participants were navigating problems.

Almost half of the participants described negative health impacts related to the problems they had experienced. For some, the negative health impacts were triggered by the stress of dealing with the issue. This includes both physical and mental health.

"[It was] [v]ery stressful and obviously if I've got more stress I'm more prone to get ill. I was under a lot of illness. My medication had to be changed and increased because I was getting worse. I think it did directly impact on my health caused by the stress. If you've got pains or you've got tummy problems, trying to go out and see these people and wait for hours, it was difficult and I don't think it did my health any good at all" (A).

Negative health impacts also resulted from needs continuing to go unmet, and two participants described negative health impacts resulting from protracted disrepair.

Family

The loss of familial support and family breakdown were common triggers for many participants' problems. Relevant circumstances included a child relocating between divorced parents' homes, domestic abuse, partners joining a household, and bereavement. In addition to these immediate triggers, participants' narratives often featured earlier experiences, such as domestic abuse and the loss of familial support, that seemed to create a persistent instability in their lives. In particular, youth who had been homeless and lone parents, as well as care leavers, tended to foreground

³¹ See Abby Jltendra et al., *Hardship Now or Hardship Later? Universal Credit, Debt and the Five Week Wait* (The Trussell Trust and StepChange, 2019).

changing family circumstances in their narratives.³²

Family breakdown was commonly a key factor for younger participants who had experienced homelessness. One participant (ZB) had been forced to leave home and made homeless when her mother's partner moved in, and they didn't get along. She had tried living with another relative, but the property was overcrowded, and she couldn't stay there. She accessed supported accommodation through the Local Authority, and she had been living there for two years. She obtained a work experience placement through the Kickstart Scheme. It ended when she became pregnant, because she was no longer able to do heavy lifting, and she was told to stop working. This was likely an instance of unfair dismissal and discrimination. Although she was entitled to benefits after her dismissal, they were not reinstated for three months. This led to rent arrears and council tax debt. Shortly after her benefits restarted, she received a benefit sanction. She declined to challenge it. "I'm not good with conflict if that makes sense" (ZB). She was at risk of homelessness again because she could not remain in supported accommodation after giving birth.

Another young participant, a migrant, had been homeless several times. His recent problems had been triggered by job loss. However, he was already living in precarious circumstances because he had no family support. His mother had left the country a few years earlier.

"When she was here I was going to school and everything. [...] When she decided that she was going back she told me that I should keep going to school. And, you know, it wasn't easy for, you know, a person being alone, going to school, without having family around and stuff like that" (S).

Although he wanted to study, his limited knowledge of English at the time made this

difficult. He had to find a way to make money to pay his rent and bills. He found work in a local warehouse, but this was only for a limited number of hours. He managed for a year on his own before he was evicted because he couldn't pay the rent. He was homeless for a time, staying with friends or sleeping outside. He eventually claimed Universal Credit but found it impossible to live on a single person's allowance: "you can't live on £250 a month." He found work again, but "problems kept happening, coming from nowhere, I don't know why" (S). This included his bank account being put under internal review for three months. His mental health deteriorated during this time, leading to depression and anger management issues. Eventually, he was housed in supported accommodation in Coventry. Not long after moving in, his housing benefit was stopped for immigration-related reasons. He accrued thousands of pounds in rent arrears and was facing eviction. With the help of the Law Centre, the benefits problem was addressed, and his benefits were backdated. However, at the time of the interview, he was being evicted again due to conflict with other residents.

In these two cases, the loss of familial support was relatively recent. For several participants, family-related issues from earlier in their lives framed their more recent experiences. For many of the women in the study, an earlier experience of domestic abuse often figured in their narratives. In some cases, this had occurred long before the time frame of the study but continued to impact them.³³ This led to them struggling with immigration processes, divorce, child protection, and

³³ This links to previous findings that as legal problems cluster and multiply, they are linked to increasing factors of social exclusion and in particular, "at the heart of the experience of multiple problems" they "repeatedly" found domestic abuse. See Pascoe Pleasence et al., "Family Problems - What Happens and to Whom," *Family Law* 33 (2003): 497-501. Further findings identify victimisation as a key predictor of civil and social justice problems, particularly for those who have been victims of more than one type of offence. For unpublished findings from the Legal Services Research Centre's Civil and Social Justice Survey, see Vicky Kemp and Pascoe Pleasence, "Targeting Civil Legal Aid: Matching Services to Needs," *Obiter* 26, no. 2 (2005): 285-303. Most recently, the link between disadvantage and increasing frequency of legal issues and clusters is confirmed in Nigel J Balmer et al., *The Public Understanding of the Law Survey (PULS) Volume 2: Understanding and Capability* (Melbourne: Victoria Law Foundation, 2024).

³² For a related discussion see Abigail Gill, *Families Under Pressure: Preventing Family Breakdown and Youth Homelessness* (London: Centrepoin, 2016).

access to social care. Lone parents in particular often had some combination of these problems.

Another participant (Y) was kicked out of her home by her abusive husband. She had to declare herself homeless to the local authority and placed in temporary accommodation. She struggled to get legal help for her divorce and recounted being told that it would be very expensive, so she settled on a legal separation instead. She was not receiving any child maintenance payments, and her ex-husband was continuing to control her, most recently by preventing her from travelling abroad with their children. She was struggling to find legal help to deal with this problem, as it falls outside the scope of legal aid. While she was working part-time, she was struggling financially and receiving threats of benefits sanctions from the DWP. She had difficulty understanding the online system due to a language barrier and using a phone with a cracked screen. Another participant (L) was involved in a lengthy asylum process for herself and trying to regularise her children's immigration status, following an experience of domestic abuse some years earlier. In the meantime, she had developed terminal cancer and struggled to obtain support from social care.

Several other participants framed their experiences in relation to domestic abuse they had experienced as children. "So I've been, basically I've been like running from my parents and stuff since I was fifteen" (V). Another participant linked abuse, as well as the death of her mother and her childhood experience of continually moving from place to place with her more recent homelessness.

"It is a nightmare. I mean as a child it wasn't so bad. I mean I moved four times before my mum passed away but then when my mum passed away it escalated massively. It has been an absolute nightmare" (T).

Several participants were care leavers and this experience figured strongly in their narratives, interweaving some of the earlier problems they had faced as precursors to

their current circumstances.³⁴

"I was actually born in Leamington, lived in Coventry for a couple of years as a little boy and then my parents moved to the Birmingham area. I spent most of my time in and out of foster care. I left home when I was fifteen and had my first property in Birmingham, first flat. That was a bit of a shock. Went to school, went to university, I didn't finish my university course because of money problems" (A).

Systemic issues

The preceding sections explored how the experience of legal problems was situated in the context of financial precarity and poverty, health and family breakdown. However, these narratives point not so much to defined trajectories or inevitabilities that are inherent to disadvantage, but to the shifting legal and policy contexts in which these experiences happen.³⁵ In this section, we consider the most prominent systemic issues that influenced the experience of problems and often drove problem clustering. These include distinct but related problems in welfare benefits, social housing and immigration, including different forms of maladministration such as misinformation, delays and hostile service cultures,³⁶ as well as discrimination. These are issues that cannot usually be effectively addressed at an individual level and may require collaborative

³⁴ Care leavers have been identified as having particularly high and disproportionate levels of unmet legal need. Paula Hughes, "Identifying and Addressing the Legal Needs of Vulnerable Care Leavers," *Parity* 33, no. 3 (2021): 84-85. See also Central England Law Centre, "Mother and Child Project," accessed September 30, 2023, <https://www.centralenglandlc.org.uk/mac-project-resources..>

³⁵ The circumstances that create the conditions for problems are both individual and societal. Pascoe Pleasence et al., *Local Legal Need* (London: Legal Services Research Centre, 2001), 40.

³⁶ There is no set legal definition of maladministration. In the UK, reference is often made to the 'Crossman catalogue', referring to an open-ended list given by Richard Crossman, Leader of the House of Commons in the debates that occurred before the passage of The Parliamentary Commissioner Act 1967. His list included "bias, neglect, inattention, delay, incompetence, ineptitude, perversity, turpitude, arbitrariness, and so on." *Official Report*, 18 October 1966; Vol. 734, c. 51.

approaches, law and policy reform or strategic litigation to address them by going to the “root cause.”³⁷ We also look at the broader issue of digital exclusion and how this shaped the experience of problems.

Maladministration, problem-prone processes, hostile and dismissive attitudes

Welfare benefits problems, as noted above, were very common for participants. These problems often reflected maladministration as well as the harmful impact of specific policies and poor first-stage decision-making. In one case discussed above (ZG), it was the five-week delay in receiving her first Universal Credit payment that led to rent arrears and the threat of eviction.³⁸ In addition, when she applied, she was not told about her potential eligibility for Limited Capability for Work Related Activity (LCWRA). This omission significantly exacerbated and prolonged her financial hardship.

“I went to the local job agency, I was told just to fill in a form. They didn’t tell me I had to fill in a medical form. For two years I received £247 a week, sorry, a month, and out of that I had to pay £135 a month bedroom tax. So I basically got £105 a week to live on for two years. It was dreadful, everything I had went” (ZG).

In other cases, even when initial legal problems such as homelessness were resolved, difficulties with the benefits system could arise with little warning and no causal

link with prior problems. For instance, in the case of ZB, whose benefits were not restarted after she lost her work experience placement, the problems she faced with benefits were unrelated to her experience of homelessness and arose when she had been living stably for over a year in supported accommodation. Similarly, for (S) who faced immigration-related problems with welfare benefits, this took place after he resolved his initial problem with homelessness and destitution.

Many other participants described delays, administrative failure, miscalculations, poor first-stage decision-making, and misapplied sanctions. Delays included long waiting times for responses to urgent queries: “I’d email them and then they’d get back to you but, they say, oh it can take up to ten working days, and you’re thinking, well I can’t wait ten working days” (K). There were also more protracted periods of waiting, for example, while benefits errors were sorted out, significantly exacerbating hardship. One participant described how his wife’s PIP review form went missing, which led to the benefit being stopped. It took a considerable amount of time and effort to get it sorted, and even longer to get the benefit backdated. At the time, they were not claiming any other benefits, and so were left in extreme hardship.

“I had to wait, believe it or not, two and a half month. I was living on fresh air. [...] I said, well what do I do for money? What am I going to live on? I said, I’ve got bills to pay, water, electric, my rent. I got all that stopped but I got it all backdated. It took them, believe it or not, six months to sort that out. It took two and a half month going on. It took them six months to sort the back pay out” (M).

Not long after, when he did start claiming Universal Credit, there was another problem with the housing element of his claim. He had arranged for the rent to be paid directly to his social landlord, but the payments weren’t being made.

³⁷ “Systemic advocacy to reform laws, regulations and institutions is often the only effective way to eliminate recurring problems because they address the root causes that give rise to repeated and often routine legal issues.” Quoted in Suzie Forell, “Is Early Intervention Timely?” *Justice Issues* (Law and Justice Foundation of New South Wales, June 2015).

On the value of strategic litigation alongside other early intervention approaches see Liz Curran, *Solving Problems – A Strategic Approach: Examples, Processes & Strategies* (Rochester, NY: Social Science Research Network, 2013).

³⁸ The hardship caused by the five-week wait and its link to debt has been extensively documented by The Trussell Trust and StepChange. See Abby Jltendra et al., *Hardship Now or Hardship Later? Universal Credit, Debt and the Five Week Wait* (The Trussell Trust and StepChange, 2019).

"I said [to my landlord] well it's been paid, I've got it in black and white. Oh we haven't received it. Universal credit again done a muck up [...]. We went to the interview, we told them, the paperwork was there, and they still didn't sort out the rent" (M).

This led to significant arrears and the threat of eviction before it was sorted out. "I was getting letters, you know, saying, your rent's due, you're in rent arrears and all that. Then we were getting letters, if you don't pay it, you're being bunged out" (M).

Reflecting on why problems like this happen, participants sometimes pointed to systemic causes. For this participant, the issue was a lack of training. The errors happened "because they haven't got the training" or "they're not getting the experience" (M). He described how when he tried to sort out the problem with his wife's PIP review, he called the helpline but

"... the ones what answer the phone at PIP [...] they don't know what they're doing because they ain't getting the training where they work. So they don't know how to deal with benefits and I think that should be sorted out" (M).

While he received an apology regarding the rent payment problem, many participants described more dismissive and hostile attitudes when they tried to sort out problems, suggesting a cultural problem: "[i]t just seemed that nobody wanted to know" (A). Another described staff as being resentful due to high turnover.

"You get a couple of, at Universal Credit or something like that, you know, it pulls the whole thing down because then everyone gets resentful. The turnover's that quick in the staff and that, a lot of them just don't give a sod, that's how it seems" (ZG)

Another participant who was dealing with a high level of deductions from his benefits described how he had been threatened with

sanctions multiple times over the years and accused of lying when he tried to provide reasons to explain why he couldn't comply with work-related commitments.

"[T]hey say they're going to sanction me, that's four times I would say now. [...] They were threatening me, saying I'm lying. I told them, this is Christmas time, I was supposed to do work experience. And I went along there, asked them, can I start work experience because my coach has sent me here. They says, oh we've got enough on over the season, we don't want anymore. So I went and told my coach, 'you're a liar' [she said to me]. I said, well phone them up then and find out" (I).

These types of interactions had a negative emotional impact: "She didn't apologise to me the next time I saw her, you know how that feels, calling me a liar" (I). The fear and apprehension created by such encounters and the threat of sanctions could also deter participants from taking action on rights, as we explore in section 4. Another participant encountered a similar attitude during her PIP assessment.

"Now that I'm on my medication I'm able to talk but there are some days where I can't verbally communicate properly and it's really, really challenging[...] they don't listen to what you're saying and not only don't they listen it's almost like they attack you and there is no need for that. If you're vulnerable you don't need to be kicked when you're down. Additionally, it was just the questions they asked were all physical and the main problem I had was I had a mental health condition that affects me physically on a day-to-day basis, but they just didn't hear that" (T).

The mental health condition she sought support for worked against her in the assessment process, pointing to a lack of sensitivity to the impact of conditions in the process itself. Alongside these experiences, participants also described the complex and sometimes exclusionary nature of processes in the welfare benefits system. The application process for PIP, for example, was

frequently mentioned as being particularly difficult. It was described, as noted above, by one participant as being “absolutely brutal,” and it “was extremely stressful trying to do the application” (V). Moreover, the experiences of participants, who were often denied benefits such as PIP when they first applied, and then later successful on appeal, points to problems with first-stage decision-making.³⁹

While these issues were most prevalent in relation to welfare benefits in the study, there were similar and no less serious systemic issues in other areas. The protracted housing disrepair problems that participants faced were all in social housing and reflected well-documented systemic maladministration, stemming from long-term underinvestment.⁴⁰ Problems with disrepair, while often taking place alongside other social welfare law problems, were generally independent of them (except where they related to the suitability of offers of accommodation following homelessness). One participant explained how she initially thought her disrepair problems were taking so long to sort out because of the pandemic, but after more than a year of trying to get them resolved, she realised the problems ran deeper.

“At the time I thought it was because of the pandemic because they had new contractors, new persons there, it was a total mess...I thought, it’s Christmas and it’s the pandemic, everyone is trying to deal. So hopefully in a few months everything’s going to be okay. It’s just a bad memory, is what I thought” (E).

She reflected on how the quality of service had declined significantly following a change in provider. The old provider

“used to be so good and since they changed [...], I don’t know what’s going on because it’s been really bad, really, really bad. I have appointment, I tried to complain about the slabs and things like that and my boiler, because my boiler needs replacing for two and a half years now as well. And I was really annoyed with them, saying, you keep sending people and they just take pictures and they all say the same, they’re going to replace a part and they never replace it” (E).

The poor treatment she received when she tried to get the repairs done was “the worst part.”

“[t]he way they treat me is the hardest, especially when you speak with the manager and you are expecting a bit more sympathy. When you go and check the job and it’s not done and they even saw it....And he look at me like disgusting, like, yes. So the most times it’s like the way they talk to me, the way they don’t have any sympathy. It’s like they are doing me a favour and I have to accept that, that’s the worst part” (E).

She also reluctantly suggested that discrimination might be a factor in their lack of response, as her white neighbours appeared to get the repairs they needed. “So

³⁹ To give an indication of the scale of this problem, 7 in 10 PIP appeals are won on the same evidence submitted as part of the original application. UK Parliament, “Personal Independence Payment: Tribunals. Question for Department for Work and Pensions,” July 21, 2022, <https://questions-statements.parliament.uk/written-questions/detail/2022-07-21/42121>. Benefits and Work suggest the figure is closer to 91% because the ‘new evidence’ was only ‘cogent oral evidence’. Benefits and Work, “DWP Lie Exposed - New Evidence Is Not Why They Lose 7 in 10 PIP Appeals,” Benefits and Work, September 22, 2022.

⁴⁰ Two recent reports from the Housing Ombudsman Service have highlighted the extent of maladministration in social housing. See *Housing Ombudsman Service, Spotlight On: Attitudes, Respect and Rights: Relationship of Equal* (Housing Ombudsman Service, 2024) and Christopher Harrison, *Learning from Severe Maladministration: Taking the Key Lessons from Our Severe Maladministration Decisions* (Housing Ombudsman Service, 2024). See also *Housing Ombudsman Service, Annual Complaints Review 2022-23* (Housing Ombudsman Service, 2023).

I don't want to think like that, I try not to think like that. I don't want to think that they are judging me because I'm not [white], but sometimes even I wonder why" (E). Her attempts to complain were unsuccessful and at the time of the interview, she was being assisted by an intermediary to escalate it.

The other main area where systemic issues were especially prominent was in the experience of immigration problems, where participants were often subject to exceedingly long delays (e.g. in the processing of applications) and tremendous uncertainty about their circumstances. One participant had been waiting over a year for a new biometric residence permit card, creating fear and stress, and inhibiting her ability to make plans:

"[i]t takes a long time until it comes to you. I'm not happy for that. Sometimes I'm scared, I said maybe for next summer coming and again I'm not seeing my family. Yes, it is a stress for me sometimes" (D).

In other cases, participants had been waiting years for decisions about their cases, creating prolonged and extreme hardship, in some cases precipitating a need for social care. In addition, a specific range of problems were associated with immigration status. These include complications with benefits, such as those experienced by (S) above, NHS charging for maternity care, difficulties with No Recourse to Public Funds (NRPF) status and difficulties accessing social care. Issues related to immigration status caused other problems and made them much more difficult to deal with – requiring more specialist advice.

Digital exclusion

In this section, we explore some of the specific ways that digital technology shaped participants' experiences of problems, often creating barriers that exacerbated problems. Increased reliance on digital technology was one of the key elements of experiences during the pandemic for individuals and organisations alike. Most of the participants in the study faced significant barriers related to the use of digital technology. In several cases, they had either no or very limited digital skills

and no independent access to technology. However, it was more common that they did have at least some access, predominantly through mobile phones.⁴¹ As we explore in more detail in section 6, while they tended to be relatively comfortable doing everyday tasks and recreational activities online, they often described struggling with more complex tasks that would be required to deal with law-related problems.

The lack of access to technology and limited digital skills contributed to the experience of legal problems. However, the challenges they faced were not purely a consequence of digital exclusion; they also reflected some of the difficulties that digital systems and 'digital-by-default' policies create, even for those who are more digitally capable. In addition, digital technology was by no means construed only as a barrier, but even in the instances where it was helpful, it created its own challenges. Digital exclusion contributed to the problems they faced by creating access challenges and necessitating greater, often ongoing, levels of support to manage digital processes. It also exacerbated stress and frustration, and caused delays through unnecessary mistakes. In some cases it led to missed appointments that could have adverse consequences, e.g. in child protection, or trigger legal problems such as benefit sanctions. Even though there were sometimes clear benefits to doing things online, such as not having to see a perpetrator of domestic abuse, access issues and difficulties like not being able to speak to a person or a lack of face-to-face appointments created problems, even for those who were more digitally capable.

Digitalisation makes certain tasks much more challenging for some groups who are already disadvantaged and lack consistent access to technology. "It's just three steps too far," as one organisation described (Carriers of Hope). Even preliminary steps such as having to set up an account can be a deterrent, particularly when combined with language barriers. This was mentioned particularly in relation to applications for the Household

⁴¹ For an account of digital access as a spectrum, see Ellen Johanna Helsper, "A Corresponding Fields Model for the Links Between Social and Digital Exclusion," *Communication Theory* 22, no. 4 (November 2012): 403–26.

Support Fund.

"We've even had to walk people through the Household Support Fund, which really people should be able to access and do on their own, but if they haven't got a laptop and they don't understand it and they've got to create an account before they can access it" (Carriers of Hope).

Several participants struggled specifically to manage with online systems like Universal Credit. Someone may have had support to make the initial claim online but cannot maintain it themselves and need continued support to do things like upload sick notes or check the online journal. This situation easily lends itself to creating further unnecessary problems when that support is not available.

Interactions with online systems also created additional stress from repeated notifications or rejections of attempts to submit information.⁴²

"Last time you [referring to a support worker] put my sick note through one day early and I got a letter, a note on my account stating too soon. And they're sending you emails, your sick note is running out of date. As soon as you put it in they reject it saying you're too soon" (I).

This was linked to a broader theme concerning the impersonal nature of digital communication, as an extension of the dismissive and hostile attitudes participants had experienced in person.⁴³

"They just don't want to help you. I'd sooner go back to the old days where they say, we've got a job here, can you just go to the interview now? I'd do that gratefully, go to the interview, try and get the job, but they don't. They just say, look on the internet" (I).

Another participant found that the availability of information online was used to dismiss her concerns about disrepair.

"It's why I called them and it's a long wait for them to answer the phone. And after they complain, why you didn't do it online. And when I say, I didn't find it online. They say, but it's there, you should look better. So it's things like that. [...] But if the information is not there or you can't find it you have to ring and when you ring they're not happy because you ring" (E).

By far the most significant and common challenge described by participants when trying to do things online was not being able to speak to anyone if they had questions, for example when filling out a form. They struggled to convey their circumstances with limited options. "I find that some of the options aren't there and it's difficult to answer some of the questions and you just have to click the options that are there" (A). The lack of face-to-face appointments, particularly during the pandemic, was also mentioned by several participants as creating further problems: "[m]eetings were meant to be face to face and they were done over the phone. So I think that might have been why I had the issue that I had" (A). They were also concerned about making unnecessary mistakes. This could also delay processes, as one participant explained in relation to a citizenship application:

⁴³ See Clara Crivellaro, Lizzie Coles-Kemp, and Karen Wood, "Computer Says No": Exploring Social Justice in Digital Services," in *Hope under Neoliberal Austerity* (Policy Press, 2021), 89-104.

"For example, the questions that are specified in the point that you don't know the answer, for example, for now, and you have to consult someone to find a way how to be successful in the application. So, for example, you can lose a lot of time, a week or two weeks, for example, for the application process. You made something wrong that you didn't know that you made wrong, and you have to apply once again" (ZE).

Digital exclusion could lead to missed meetings and appointments with potentially significant adverse consequences. For example, one participant described how she felt not having access to an app for midwife appointments contributed to her children being taken into care,

"...yes, I missed a few midwife appointments. But I'd openly told them, look, I didn't get any letters, so how am I meant to know if I have any appointments. Then they tried this, mentioned this internet thing that the midwives had made but I didn't understand how to use that. And let me tell you now, I spent ages trying to figure it out and I just did not figure it out" (U).

Similarly, one of the intermediary organisations described seeing pregnant women penalised for not attending Child in Need meetings, which due to the pandemic had to be conducted online or on the phone. This was especially challenging for homeless women.

"All of a sudden, women who were pregnant had to attend their child protection conference or their CIN [Child in Need] conference on a computer on the internet. One of the women in temporary accommodation didn't have a smartphone and didn't have access to the internet, and they were penalised because they couldn't attend their conference through no fault of their own" (Kairos).

Lack of access to technology in these circumstances, due to not being able to replace broken phones or having to regularly pawn devices, contributed to or even triggered legal problems. In a case described by an intermediary, a broken phone led to a benefit sanction.

"...what happened was [...] she'd broken her phone, so she had no, she couldn't get in touch with me. So she was tending to Facebook me through her friend or I would just turn up unannounced to do my visit, my wellbeing checks and things like that. So that was why she missed her appointment because she hadn't received the email. Although she told them that at her appointment, they still sanctioned her anyway" (St Basils).

They reflected more broadly that young people were often missing benefits appointments due to difficulties logging in.

"[...] this is half the time why they're missing their appointments because they're unable to log in for different reasons. It just seems to be like it's all just going round and round in circles" (St Basils).

These examples highlight how digital processes do not take adequate account of the circumstances and needs of people who are likely to use them. An intermediary organisation emphasized how it is "not one particular issue in silo. It's all of them impacting each other," describing the knock-on effects of digital exclusion and a lack of sensitivity to individual circumstances.

"And it's also interconnected as well. Like, you know, so if you are experiencing even more extreme poverty now because there's less universal credit, you might have to pawn your phone regularly, so your number changes, which means that your mental health appointment gets missed, because they'll only call you three times maximum to try and speak to you. If you want to get back in, because they've called the wrong number, you've got to go back on an eighteen-month waiting list, which just adds, you know..." (Kairos)

This lack of sensitivity was also evident in the experience of a participant whose divorce hearing was held online. Her account shows how even when there are clear benefits to doing things online, such as not having to engage with a perpetrator of domestic abuse, digital exclusion creates challenges. She was relieved that the hearing was online because it meant she wouldn't have to see her ex-husband: "luckily it was all virtual" (J). However, her ex-husband had taken their devices when he moved out, leaving her to rely on just a phone.

"at the time all I had was the phone because my ex had taken the laptop and tablets. The only thing I had to access digital stuff on was my phone or using the library computer. So that was difficult at times. Sometimes certain things wouldn't work on your phone and they'd say, do it on a computer. And I'm like, I don't have a computer, I can't afford a computer" (J).

Conclusion

The findings in this section highlight the sheer number and complexity of problems participants faced, as well as their tendency to cluster around circumstances such as financial precarity and poverty, changes in health and family breakdown. We identified

two main clusters of legal problems, as well as how problems with immigration could complicate these clusters. This section also identified a high level of engagement with legal processes, which was often driven by problem clustering, but also reflected the nature of the problems that participants experienced. Their experiences provide considerable insight into patterns amongst marginalised groups and the 'typical' cases that trusted intermediaries encounter. Overall, these findings point to the fact that people are often already in crisis and experiencing multiple unresolved legal problems when they access help.

An understanding of how problems cluster and the circumstances in which they arise is essential to the design of effective early intervention strategies. Where there is one problem, there is likely to be more, as well as a distinct risk of others emerging. Approaches that do not account for this are unlikely to be effective at fully resolving problems and taking advantage of available rights and entitlements or preventing further issues from emerging. As the next section will show, it was often the case that participants were getting help for only some of their problems, and they were overwhelmed by the experience of multiple, ongoing problems. This has important implications for ecosystems of legal support. In particular, it points to the importance of effective triage at early stages when someone is seeking help, taking advantage of this opportunity to ensure that the full scope of problems and potential entitlements are identified and appropriate support put in place to deal with them. Depending on the circumstances, the right mix of support may entail access to generalist or specialist advice for some issues, alongside more practical forms of help and high-quality resources for others. Alongside this, we identified examples of systemic issues and barriers that exacerbate problems and drive further legal need. These require solutions at an institutional level, including improving first stage decision-making, considering models such as 'polluter pays' to incentivise better practice, tackling dismissive and hostile service cultures through person-centred services, and mitigating the impact of 'digital-by-default' by ensuring digital service interfaces are developed alongside alternative channels for those who need them most.

4. PROBLEM RESOLUTION STRATEGIES

Key Findings

4.1 Participants responded to problems with a range of resolution strategies, often deploying multiple strategies within problem clusters. These included elements of inaction, handling things alone and the use or involvement of different forms of support, ranging from informal help from family and friends to the support of trusted intermediaries, and legal advice and representation.

4.2 Inaction was common as problems were frequently not identified as being actionable, or participants described not knowing what to do, or thinking that taking action would be too difficult or not worth it. Power imbalances influenced inaction, participants accepted decisions by more powerful actors, such as employers, landlords and government agencies. Inaction was linked to the cascade effects of multiple problems and feeling overwhelmed. Participants often focused limited energy on necessities and survival or the most pressing problem in a cluster. Young people and people with mental ill-health most commonly did not take action. Inaction resulted in significantly poor outcomes including homelessness, loss of income or employment, or serious health decline.

4.3 Handling things alone was a common resolution strategy, participants frequently combined self-help with other strategies on a single issue. This involved trying to find information, repeated attempts to negotiate with other actors, making multiple applications (for benefits or housing assistance for example) and making complaints. Participants described how they had been getting on with things or taking practical steps to improve the situation, but usually without taking advantage of available rights. Seriousness did not always preclude people from trying to handle things alone, including tribunal proceedings, child protection proceedings and homelessness processes. Handling problems alone tended to result in unnecessarily protracted struggles and forms of resolution that fell short of potential entitlements.

4.4 Friends, family and the wider community were important resources for participants, providing emotional and material support, as well as information and practical help to deal with law-related processes. However, reliance on informal sources of help in some cases led to delay, misdirected action, or inaction.

4.5 The support of trusted intermediaries was often a key factor in participants taking any form of action. Trusted intermediaries played a significant role in both identifying problems and supporting people to deal with them, particularly benefits and debt problems. Those who most readily accessed advice had done so with the help of intermediaries.

4.6 Most participants had engaged or attempted to engage with legal and advice services in some way. Where people had accessed legal and advice services this usually led to successful outcomes, including access to social care, successful benefits appeals, debt relief orders, immigration and asylum appeals. However, access to legal help was commonly at a late stage when they were already in crisis and dealing with problems that had significantly escalated. Those who 'tried and failed' to access advice usually ended up helping themselves, or the issue had stalled. Participants' experiences point to inconsistencies in referral pathways, limitations on the capacity of local service providers and the scope of legal aid, as well as very limited awareness of sources of advice.

Introduction

This section explores how participants responded to their legal problems. This includes the various strategies that they used: whether they did nothing, tried to sort things out alone or sought help. We consider who people sought or received help from, including informal help from family and friends, support from trusted intermediaries, or help from legal and advice services.¹ We also look at the outcomes that resulted from these strategies. Our analysis aims to be attentive to what might lie behind the various strategies people employed and to identify common themes that can inform early intervention approaches and the design of public legal education.

Our findings highlight some of the reasons why people from marginalised groups take particular courses of action.² For those who didn't take action, this often reflected the extent to which problems were identified as having legal dimensions, the influence of power dynamics and information asymmetries, as well as feelings of disempowerment and helplessness. Our findings also pointed to cascade effects in which participants felt overwhelmed by the sheer number of problems and therefore constrained to take action effectively or to

weigh options.³ In relation to self-help or handling problems alone, reasons varied between seeking to avoid reprisals, the availability of advice, or feeling powerless in some instances. Other people described handling things alone with a sense of determination and getting on with things, as well as finding practical solutions, suggesting a source of agency that could be harnessed through PLE design. While this pointed to higher levels of legal capability amongst some participants,⁴ efforts to handle problems alone were often frustrated by limited knowledge or skills. The outcomes achieved usually fell short of legal entitlements.

Common experiences emerged in relation to particular types of problems. For instance, benefits, social care, and employment issues were more likely to be subject to inaction. The severity of problems did not prevent people from handling problems alone, and many were engaged in legal processes both with and without legal help. We also found some commonalities amongst particular demographic groups. For example, young people and people with mental health issues were particularly prone to inaction, while many of the older women and lone parents in the study handled some of their problems alone.

All of the participants had accessed some form of help, even if just informal support from family and friends. There was also a high level of engagement with trusted intermediaries, which was due to the design of the study, though only about half of the participants had been directly supported to deal with legal problems by intermediaries. Most participants had also engaged or attempted to engage with legal and advice services. Their narratives highlight the role of the different forms of support. This includes the integral, if sometimes problematic, role

¹ The types of resolution strategies we identified largely mapped onto those typically used in quantitative legal needs surveys. However, our approach allowed us to capture some of the nuances within and between these categories as people choose different resolution strategies at different times or in relation to different problems they experienced. See OECD/Open Society Foundations, *Legal Needs Surveys and Access to Justice* (Paris: OECD Publishing, 2019), 72. Other surveys have included strategies such as communicating with the other side, using websites or self-help guides and formal dispute resolution. See Christine Coumarelos et al., *Legal Australia Wide Legal Survey: Legal Need in Australia* (Sydney: Law and Justice Foundation of New South Wales, 2012).

² Prior legal needs studies have delved into what influences problem resolution strategies by considering social and cultural factors, including language and religious faith, as well as an orientation toward the law and justice system. As Merry and Silby argue, "rules about how to fight, or whether to fight, how to respond to insults and grievances, how to live with one's neighbors, are parts of elaborate and complex belief systems which may vary among social groups," Sally E. Merry and Susan S. Silby, "What Do Plaintiffs Want? Re-examining the Concept of Dispute," *The Justice System Journal* 9, no. 2 (1984): 157. Identified in Christine Coumarelos et al., *Legal Australia*.

³ According to Pascoe Pleasence et al.: "while most inaction is rational inaction a significant minority of cases of inaction are characterised by helplessness and powerlessness...and inter-personal conflict." Pascoe Pleasence, Nigel J Balmer and Rebecca Sandefur, *Paths to Justice: A Past, Present and Future Roadmap* (London: UCL Centre for Empirical Legal Studies, 2013), 33.

⁴ This chimes with previous research that suggests action is more likely as legal capability grows. Pascoe Pleasence and Nigel J. Balmer, *How People Resolve 'Legal' Problems* (Cambridge: The Legal Services Board, 2014), 3.

played by informal sources of help such as family and friends. We also considered how participants had engaged with trusted intermediaries in the course of dealing with their problems. For those who sought help from legal and advice services, we consider their motivations, the types of services they accessed (or tried to access) and the challenges they faced in doing so.

The wider narratives participants provided allow us to situate these responses, looking at how particular individual's responses varied in relation to the different problems they experienced and at different times. As discussed in the previous section, many people experienced multiple issues. They frequently approached different problems in different ways or used a combination of resolution strategies. For example, all but one person who described taking no action at all on one specific legal issue had a cluster of problems and had acted differently with the other legal issues that they encountered. In particular, patterns emerged that showed the difference that having support made to whether or not someone eventually took action in respect of particular problems, as well as the outcomes they achieved.

Doing nothing

Inaction or 'doing nothing' was a relatively common response amongst participants. The reasons for inaction varied substantially, where they could be discerned at all. While doing nothing is often associated with the ability to characterise a problem as legal,⁵ our findings suggest that the reasons why people act in some instances and not in others are more complex than simply characterisation or limited knowledge. Inaction was identified where a legal issue was explored and the description suggested the person had simply accepted a situation as an inevitable outcome, treated the situation as a matter of fact rather than a problem with potential resolution, or they had acquiesced to the other party's decisions or action without seeking any further information or help. In

some cases, they simply decided it was too difficult to take action even if the problem had been identified. Relatedly, power dynamics, confidence and fear of reprisals as well as information asymmetry all emerged as themes in instances where no action was taken. It was also usually associated with specific problems, rather than being a generalised approach. It could also be time-limited, with periods of inaction followed by eventually taking steps to resolve the problem. Individuals were often focusing on the most immediate or pressing problem in a cluster. All but one person who had not acted had multiple issues, and many had sought assistance or tackled problems alone in other instances.

Most commonly, doing nothing was associated with not recognising the problem at all, legal or otherwise. For instance, this was often the case with unclaimed benefits entitlements and potential entitlement to adult social care. However, this also appeared in employment and housing cases in which the problem was accepted as normal. A common theme in employment cases was simply that the employer had advised them they should stop working or had asked them to leave. In one case, a care worker was considered not fit for work due to chronic illness. She accepted her employer's advice as the best course of action, with the promise of a route back to work in the future:

"they said it was best, they told me, if I get better, that I don't get better but if I get something more stronger and better they said they still offer me the place, so it's good" (E).

Another young person had been on a work experience placement as a healthcare assistant. She was told to leave when she became pregnant because she could no longer do heavy lifting. She accepted this and did not question it (ZB). In these cases, employment protections (particularly around discrimination) were not considered, and advice was not sought. They show how power imbalances and informational asymmetries can lead to inaction, as they took the word of their former employers without question.

Doing nothing could lead to a sequence of events that compounded the problem

⁵ William L.F. Felstiner, Richard L. Abel, and Austin Sarat, "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming . . .", *Law & Society Review* 15, no. 3/4 (1980): 631-54.

through repeated inaction, with inaction becoming an entrenched response for some people. The participant above tried to claim benefits after losing her placement, but the payments did not start when her wages ceased. She then fell into housing arrears and council tax debt.

"I got in touch with Universal Credit to let them know. Obviously, they said, as soon as you finish that let us know and we'll put you back on to our sort of like payment scheme sort of thing. I let them know, I then never got anything until the 2nd of January, which then put me in arrears" (ZB).

Not long after her benefits were reinstated, a sanction was applied to her Universal Credit.

"This one time I missed an appointment because I was sick and I didn't really want to go in to obviously have an appointment when I was ill. So I put on my journal, obviously to let them know the day before, to say that obviously I'm not going to be in because I'm not very well, is there any chance we could do a phone call meeting. And because no one seen that until the day after I was supposed to have my appointment, they sanctioned me. I can't remember how many, I think it was two months maybe. I think, yes, it was two months they sanctioned me for, and that was nothing, I never got anything" (ZB).

Unlike the earlier instances, she clearly recognised the problem and the unfairness of the sanction, but she decided not to pursue a challenge. She went as far as to raise the issue with them informally, even taking screenshots of her journal to show them. When this did not resolve the issue, she didn't press any further. She explained that this was because she is not "an argumentative type" (ZB).

"I didn't really because I'm not really the type to, I know that sounds silly but I'm not really the type to take things out of that sort of thing. I know it's important but I don't know, I'm not very, I'm not good with conflict if that makes sense. That's not my sort of thing. So I'm not very good in that sort of like, I don't think I would do well if I did take it further" (ZB).

Young people commonly reported not acting because they did not know what to do and didn't appear to have any sense of rights or entitlement. They described particularly poor outcomes, in several cases becoming homeless. For example, one young care leaver seems to have been unaware that declining multiple properties on her move out of care would result in homelessness. Another participant, a young migrant, came to the UK as a child with his mother and was subsequently left alone when she returned overseas without him. He explained how he began to fall into rent arrears as work dried up:

"So I couldn't afford my rent, I didn't know what to do and it was very hard. Even me trying to find another job with, you know, feeling all of that. Even if I find a job it would probably last me for two weeks, three weeks, so it was very hard. So from there I end up being homeless because the landlord did not want me there anymore because I couldn't afford my rent and all of that. So when I became homeless I was sleeping with friends, sometimes outside" (S).

While he had tried to find work, the situation deteriorated around him, leading to destitution. It was only sometime later, with the help of friends, that he applied for benefits. He was eventually referred to supported accommodation. The next time he encountered a benefits problem, which had led to significant rent arrears, he did take action, likely reflecting the involvement of an intermediary organisation. However, at the

time of the interview, he was in the process of being evicted again.

Doing nothing also emerged in cases where multiple events come together in a cascade effect, overwhelming them. One young participant described a sequence of events that started with losing an apprenticeship and eventually led to homelessness.

"Then the apprenticeship was supposed to start but then because of Covid it was postponed until September. So I was out of money, out of a job, like living with my nan. And I was like, okay, this is not good... I had no money. I couldn't apply for benefits because I was living at my nan's and I didn't want to mess anything up for her. So I decided to find a job in domiciliary care, where they absolutely abused and neglected me. We were given no PPE, nothing, nothing to protect ourselves. I was really let down by the local community, we couldn't access shops or anything like that. My nan became really ill and passed away. Then I was made homeless, all within the space of a year" (T).

This participant then describes having a nervous breakdown and becoming ill with complex PTSD. It was only after she became homeless that she started to tackle the issues.

In other cases, some concluded that the costs of action outweighed the benefits and that it would be "too much hassle," for example for one participant who thought claiming benefits between jobs would not be worth the effort (J). Another participant had used a benefits calculator which indicated she could be claiming additional benefits, but the anticipated difficulty of dealing with the DWP prevented her from acting,

"But then if you want to try and talk to someone at Income Support, you'd probably be left on the phone for an hour and a half. They don't want to talk to nobody" (N).

One participant reflected more broadly on his upbringing as influencing his approach to problems, "as soon as I was sixteen mother

said, get a job. Get out to work and get some money" (I). He had worked all of his life until he had suffered several strokes. Though he claimed benefits, he had been subsisting on just £10 a week, accruing significant credit card debt. He was reluctant to challenge deductions from his benefits, and he continued to have work search requirements. His reluctance to challenge was linked to this sense of independence and self-reliance, as well as fear of repercussions if he did.

"When I got made redundant, started signing on, I didn't know that my mum had, well funeral money and a bit left over. They wanted to take me to court. [...] So that's why I'm really scared of claiming for stuff as well because I don't want to end up in prison, I've got my two dogs to think about" (I).

He did eventually take action, but only with support from an intermediary after a prolonged period of inaction.

Inaction was precipitated by health challenges which left participants unable to act, as one participant describes, following the refusal of the local authority to fund a care and support plan for his son.

"Myself, personally, I had a nervous breakdown and I was having a little bit of a relapse at the time. So I wasn't in the kind of position to challenge that. So it went unchallenged and therefore that was just, that was left as it was and that was it (ZD2).

Overall, what emerges from these cases is a sense that doing nothing was not usually a matter of weighing options and informed inaction. Instead, it reflected a lack of knowledge in the widest sense of not recognising a situation as legal or more narrowly not knowing specific routes to challenge, as well as expecting things to be too difficult or simply being resigned about the outcome. It was also linked to the pressures of immediate survival, with participants more focused on getting by from one day to the next and relying on informal

help rather than trying to tackle the issue. The sheer complexity of their situations could deter taking action. Intermediaries described this as “firefighting” or being in “survival mode”:

“The people that we are seeing are firefighting, their main priority is to get through the day with food. When you are hungry all you’re thinking about, your brain is focusing on food. It’s not dealing with the bills, it’s not dealing with those envelopes, it’s just, your body and your brain are going, I need food, and it’s all consuming. So for people to even...,who are firefighting on a daily basis with their budgets and everything else, then it’s probably not even in the scope of remit” (Coventry Foodbank).

While sometimes participants could get by without taking action, for instance by relying on family or friends to make up for a loss of income, inaction often resulted in significantly poor outcomes, including prolonged financial hardship, homelessness and destitution, loss of employment, or serious health decline. One participant described becoming homeless immediately after being released from prison, no action was taken or independent housing advice sought or received until a lengthy period of street homelessness ended with COVID-19 emergency housing:

“When I came out of jail, if I would have got the immediate house straightaway I reckon that I would not have went back on the drugs. If I would have had the continuing support that I had when I was in jail, I reckon that I wouldn’t have went back on drugs. I would have got a stable house, I would have got a job, everything. But they just kick you out of jail and that’s it, you know” (R).

Handled alone

Handling things alone was the most common resolution strategy after seeking advice and help from community groups, particularly among older women and lone parents.⁶ People frequently deployed self-help with other strategies on a single issue. Participants sometimes described that they had sorted a problem out “by themselves” or that they “did it alone.” They had attempted various ways to deal with a problem without any formal assistance, including trying to find information, repeated attempts to negotiate with other actors, and making multiple applications (for benefits or housing assistance for example). Some people attempted to deal with or ameliorate the impact of a problem in various practical ways, often when other strategies had failed. Unlike many of the instances where participants had taken no action, handling problems alone often involved a clear recognition of a problem, though not always a sense of what rights they might have.

A significant number of participants described the steps they had taken to engage with other parties and early action and to use a combination of self-help steps and wider help effectively. One person repeatedly went back to the other party on their own to sort things out – in this case with the DWP, and then combined that self-help strategy with getting help from an MP and using a complaint. Through his persistence, he eventually secured a positive outcome for his benefit problem:

⁶ Handling problems alone has been identified as a very common resolution strategy. Large scale surveys in the UK have found that the most common problem resolution strategy was to handle problems entirely alone, without even informal advice from family or friends. Alexy Buck, Pascoe Pleasence, and Nigel Balmer, ‘Do Citizens Know How to Deal with Legal Issues? Some Empirical Insights’, *Journal of Social Policy* 37, no. 4 (October 2008): 670. On the value of disputes see Herbert M. Kritzer, ‘To Lawyer or Not to Lawyer: Is That the Question?’, *Journal of Empirical Legal Studies* 5, no. 4 (2008): 875-906.

"So I went back again, I said, I will sit here as long as I can today and I will come back again tomorrow and I will wait, I need to see someone. And they knew I would....I have brought in everything that you have asked, but this thing that's missing you haven't asked me to provide. And eventually, she rewrote her note, and I went to my MP" (A).

He then submitted a complaint alone and secured a positive outcome: "Eventually I put in a complaint to the DWP...they finally sorted it out." This same participant had also represented himself in a PIP tribunal, having made several applications before eventually following the appeal process.

Complaints were a common strategy for people sorting things out alone. It appears that both formal and informal mechanisms were used. However, it was often difficult to ascertain from participants' narratives what mechanism had been deployed or, in some cases, whether the correct process was used. For example, one participant called police and social services after attempts to deal with the housing department failed, and then also complained about the police. Several participants relied on sheer persistence in complaining, though with very mixed results:

"I wrote them maybe fifteen letters, including a doctor's note that said, a doctor's letter that said the condition of the house is bad for me and my health, which it is really bad. Somebody came round, who said it was absolutely disgraceful what had happened to me. It was a false ceiling that was in here before I had moved in, and they'd sort it. I waited probably three weeks, I had to keep ringing them back, a catalogue of letters and maybe twenty-one phone calls, maybe seventeen letters" (ZG).

When complaining failed, some participants described how they had been getting on with things or taking practical steps to improve the

situation, usually without taking advantage of available rights. For example, several participants described tackling repairs or boundary issues that had not been dealt with by the landlord, in part as a strategy for keeping the peace: "I try not to get any problems or anything [...] even the house, like I said, I'm trying to put the floor myself" (E).

These responses were often closely linked to their wider social context; older women, migrants and lone parents tended to handle problems alone. Another participant, a recent refugee from Sudan and a lone parent, had been dealing with problems in social housing. Like others in this circumstance, she elected to do repairs herself. She also had a problem with her neighbour's dogs coming into her garden and scaring her children. She had contacted the housing officer and was told that there was nothing the social housing provider, who owned both properties, could do. It was suggested instead that she should report the neighbour and have the dogs taken away.

"She said, [Local Housing Provider] cannot do the fence for you but what we can do, yes, you have to call like some place to take care of dog. You have to report that I have dogs here in my house, so they will come and take the dog" (F).

However, she was unwilling to do this because she was afraid it would create trouble for her neighbours, potentially making her and her children a target for racial abuse.

"But I can't do that because I told them, they are very bad. If I do that this will cause many problems for me and my kids, especially I am a single mum with my kids. So I don't want to put my kids in this situation" (F).

She explained how when she had moved in and commented on the area not being good, she had been told by the housing officer that "if you be good with them, they will be your family. But if one day you be bad, they will be

bad for you. They can do anything you can imagine" (F). She recounted hearing from the previous tenants that "they don't accept the colour, my colour" (F). She decided to deal with the problem by building a fence and selling her car to pay for it. "I sold the car and have a bag of money. I will do only one side [of the fence]" (F).

The decision to handle matters alone was also related to the wider availability of assistance, with some participants forced to deal with problems on their own when attempts to find advice had failed. For example, the lack of legal aid and prohibitive costs for children's arrangements led to one parent navigating on his own and feeling very anxious that he might be doing the wrong thing:

"At the minute I'm just sort of doing it on my own. I've got my son with me but I just, CAFCASS have made these recommendations, every one day a week and not overnight. That's why I spent all day on the phone trying to speak to people and speaking to people" (A).

Another participant who had faced benefit problems, rent arrears and the threat of eviction following his father's death due to COVID-19, primarily focused on looking for work despite difficulties due to his mental health condition. He had sought advice from multiple sources including advice agencies, but he struggled to get the help he needed.

"[I] had to find a way, even though I was not ok mentally...I was still getting injections each month... I was forced to try to find work, to work, to be able to top up, you know and to pay the arrears" (G).

Despite recognising his own need for advice, he did not seem to be aware that he may have had specific rights and believed that finding work to pay the debt was the only way to resolve the problem.

The severity of a problem did not necessarily mean someone sought advice rather than handle things alone. A 23-year-old mother of three with anxiety and depression in a child protection case described first being evicted from temporary accommodation and then returning to secure further accommodation via the Council.

"[The landlord] evicted me from temporary accommodation. And from that, I went to the council again and they said they were having to get the social involved due to the fact that no one's willing to take me" (U).

In this case, there was evidence of entrenched patterns and attitudes adopted through familial experiences.

"The social knew my upbringing. I wasn't taught how to do the regular things of, you know, cleaning, the only thing I learned was to do the cooking...they were trying to say that my home conditions were not improving. Apparently giving my son ready-made bottles wasn't good for him, which I did change. [...] I've gone by seeing my sisters do it" (U).

She was subsequently sent to a family assessment centre with no apparent independent advice. She described her response as follows:

"Bearing in mind I had not heard one good story about the assessment centre, and seeing my sister go through it, you are not going to believe anything good can come from them. Because she had gone through it twice. Twice" (U).

Previous studies have described how problem resolution behaviour is learned, both individually and within households, as well as particular responses becoming entrenched as diminished capability

contributes to frustration and resignation.⁷ This in turn is associated with poorer prospects for effective problem resolution.⁸ All three of the participant's children were removed into care.

Repeated attempts to handle problems alone could also lead to angry exchanges. The participant above described how she struggled to contain her frustration when dealing with social workers in the midst of child protection proceedings.

"But socials weren't understanding that and I did always apologise for losing it with them, I always did, apart from back in the assessment centre when I lost it with my team case manager and told her to get out. But to me, I was tired of it because they will sit there acting like they know your kids" (U).

Another described resorting to violent threats during a protracted conflict with a neighbour:

"I went through that many options, my next option was to basically terrorise her and get her to move out. That was my last option...I ran outside with a cricket bat and my son was in tow with me" (H2).

In cases such as these, violent or aggressive outbursts exacerbated the problem, in this instance leading to police involvement.

Handling problems on their own was also described with a sense of empowerment for some participants.⁹ For example, one participant describes a sense of agency and skill in achieving some outcomes alone for

her disabled son's social care and disability benefit issues:

"It's quite long-winded, some of the paperwork is. I'm quite good at filling in forms and stuff though. Like when it came to claiming my son's DLA, I did all that myself and it was accepted the first time" (N).

The same participant also attempted to deal with criminal proceedings on her own over her son's school attendance problems linked to his disability and received a fine in that instance. However, her earlier experience with these issues may have contributed to her reluctance to take action on her more recent benefit problems.

While some people had managed to resolve problems on their own, others struggled, and their progress had stalled. These frustrated attempts to resolve problems on their own could leave participants feeling "helpless" and "powerless" (C). In this case, the participant had secured alternative accommodation by repeatedly complaining about mould, but they were moved to accommodation that was not suitable for her disabled son. Overall, when participants handled matters alone, this usually resulted in protracted struggles and forms of resolution that fell short of potential legal entitlements.

Seeking help

Participants' experiences of accessing help and support to deal with the law-related issues they faced was a central part of the conversation in most interviews, providing insight into how they navigate and access available support and the challenges they face in doing so. We have included a wide range of forms of help and support, from informal assistance from family, friends and the wider community, to support from local organisations to formal legal advice and representation. All of the participants had sought some form of help to deal with at least some of the problems they faced, even if this only meant turning to friends or family, and most sought more formal types of assistance. In the instances where they had not had any help at all with a particular issue (roughly one-

⁷ Rebecca L. Sandefur, 'The Importance of Doing Nothing: Everyday Problems and Responses of Inaction', in *Transforming Lives: Law and Social Process*, edited by Pascoe Pleasence, Nigel Balmer and Alexy Buck (London: Legal Services Commission, 2007), 112-32.

⁸ Pascoe Pleasence and Nigel J. Balmer, 'Legal' Problems, 3.

⁹ Previous studies tend to link self-help to people with higher legal capability and self-efficacy. See Catrina Denvir, Nigel Balmer, and Alexy Buck, 'Informed Citizens? Knowledge of Rights and the Resolution of Civil Justice Problems', *Journal of Social Policy* 41, no. 3 (July 2012): 591-614.

third of the overall number of problems we identified) this usually related to not identifying the problem or, in some instances, pursuing self-help. This meant that participants were receiving help with only some of their problems, even though their problems may have been interrelated. Moreover, while many participants accessed different forms of help and support to deal with these issues along the way, it was relatively rare that this support was 'joined up', even though the problems were often connected. When it was, this usually reflected the involvement of intermediaries. Some issues were unaddressed entirely, even if they were receiving some form of legal help.

Many participants struggled to recount with clarity where they tried to get help, or which organisations had helped them with particular aspects of issues. This likely reflects a range of factors, including stress and feeling overwhelmed by the circumstances, as well as the complexity, severity and sometimes long-term nature of the problems.¹⁰ In some cases, support organisations may actively try not to overwhelm them further, where possible, by not overburdening the individuals they support with too much information. It may also be a consequence of speaking to multiple people in multiple organisations and agencies in the course of trying to deal with an issue that simply makes it difficult to remember. As one participant remarked, "I spoke to that many people you know, it's a whirlwind" (K). This is not to suggest that these narratives lack validity because they may be incomplete; their difficulty remembering, or simply not knowing, is a function of their circumstances and the challenges of trying to deal with law-related problems.

Informal help from friends, family and the wider community

Friends, family and the wider community were often important sources of help and support for participants.¹¹ These included immediate family such as children or partners, close friends, as well as wider community networks, such as neighbours and church congregations. In some instances, this help was more general, supporting them with wider issues surrounding the law-related problem they had faced, for example with emotional and material support. In other cases, they helped more directly with the legal problem itself, for example by sharing information or supporting them through a process.

Material support was a particularly common form of informal assistance. Participants described borrowing money to tide them over or relying on friends to get food and other essentials or to run errands. For one participant who had her benefits stopped for a prolonged period, it was her family who helped her to get by while she had no income.

"Family, yes. Yes, that's the main thing, it was just family because if it weren't for them, honestly if it wasn't for my nan and my partner I don't think, I don't know where I would be, I really don't. They helped me, they supported me so much. So it was thanks to them really" (ZB).

Several participants had also resided temporarily with friends or family before turning to statutory and charitable sources of help for homelessness.

¹⁰ See discussion of links between problem severity and recall in Pascoe Pleasence, Nigel J. Balmer, and Tania Tam, "Failure to Recall: Indications from the English and Welsh Civil and Social Justice Survey of the Relative Severity and Incidence of Civil Justice Problems," in *Access to Justice*, ed. Rebecca L. Sandefur, vol. 12, *Sociology of Crime, Law and Deviance* (Emerald Group Publishing Limited, 2009), 43-65.

¹¹ By wider community, we mean larger networks and groups (e.g. church congregations) rather than intermediary organisations. Prior legal needs studies have shown turning to friends and family, or other informal sources of advice, for information, and practical support to be common responses. See for example, Pleasence and Balmer, *'Legal' Problems*, 25. See also Alexy Buck and Marisol Smith, "The Importance of Family and Friends in Advice-Seeking for Rights Problems," *Social Policy and Society* 14, no. 2 (2015): 175-88.

"There wasn't nobody, only my friends, I've been depending on them. Only them helped me, gave me somewhere to stay. But it wasn't forever, I had to find somewhere to go. I can't go to live with someone who's got two/three kids, that's not possible. But at least the person was trying his best to help me, that's the important thing" (S).

These forms of support were intensely valuable to the participants who described it, recognising that it was family and friends who were keeping them from destitution. However, falling back on friends also contributed to inaction or delayed action to try to resolve problems. This is not to suggest that these forms of help are counterproductive but to highlight that having an alternative mitigates the need to deal with the problem or access services. While sometimes it was only temporary support to help them through a period of hardship, for instance until the participant's benefits were reinstated in the case of ZB above, this inaction could ultimately worsen the problem, leading to homelessness.

Friends, family and the wider community also helped more directly with law-related problems, providing forms of practical assistance that enabled participants to take action. In some cases, they were a source of useful information. The same friends who had given the participant (S) above a place to stay also told him about Universal Credit, which he hadn't been aware of, and even accompanied him to the Job Centre. Another participant did not know about Personal Independence Payment until a friend told him:

"And things like PIP, I hadn't ever heard about it until my friend told me about it, just mentioned it, and I was like, wait, what's that? And obviously I did not realise I would be eligible at all but my friend has got it for like depression and anxiety. I was like, oh okay, in that case, I might have a chance" (V).

He described learning about benefits by chance "I just happened to hear my friend mention getting it, otherwise I wouldn't have known PIP existed or have been able to call them" (V). While in these two instances, information from friends was useful, relying on informal sources of information could also lead to misunderstandings or misdirected action. The participant (ZB) above who relied on her family to get by while her benefits were stopped was at risk of homelessness due to pregnancy and not being able to stay in supported accommodation after giving birth. She was aware of a potential source of supported accommodation for new mothers, explaining that "my friend, she was moved in there," but did not know any more about how to access it (ZB).

Several participants also described turning to friends or family for help with the digital elements of legal problems, for example when they didn't feel comfortable or didn't have the necessary equipment, such as scanning or printing. One participant asked for help with citizenship-related online forms from her "friend's daughter because she is a teenager." Friends and family had also helped support participants through processes, from accompanying them to the Job Centre as in the case above, or helping them with benefits forms and even attending a benefits tribunal in one instance.

While the support received from friends, family and the wider community was often vital, sometimes the role they played revealed a worrying lack of independent advice. A young, learning-disabled participant whose children had recently been taken into care recounted how, when they were taken, she didn't want to sign the paperwork but relied on advice from her brother and signed anyway.

"The next minute a knock on the door, social workers, just two social workers. I had to sign this paperwork. I said, I'm not signing this paperwork, obviously my sister was f'ing and blinding but we'll leave that bit out. I said, I'm not signing this paperwork.

"Obviously, my brother, bless him, he came in, he goes [...] look, sign the paperwork and we will get him back. So I said, if I sign this paperwork, will you bring my son back? They were like, okay. So the next minute, signed the paperwork, and obviously, he fell asleep in my sister's arms. All I wanted to do was just like say goodbye to him. I couldn't even say goodbye to him" (W).

This account was particularly concerning given her learning disability and her limited understanding of what was happening, or what she was signing. Subsequently, she recounted how she struggled to understand information about her case. She had a support worker who would accompany her to court hearings, which would help in those instances "but then if I'm on my own I'm like, okay, what does this mean? I can't understand certain words" (W). While she was uncertain about what would happen next, and her account was mostly focused on a delayed visitation with her children, she was reassured that her father-in-law would help her manage things.

"But as I said, my father-in-law, he said, after the New Year, let's get the New Year out of the way and I'll help you with everything. And because obviously when I need help with shopping he's there with me and everything like that" (W).

Her ability to take action was dependent on his availability, and her regard for him as a source of authority meant she accepted nothing could be done sooner, leading to potentially consequential delays, if not inaction. This was even more concerning as it was not clear whether her father-in-law was in support of reunification, and she did not appear to have any independent advice or legal help.

In the absence of formal advice, another participant asked a friend in Nigeria to do an immigration application for her, while she was desperately trying to find a way to regularise her status before her visa expired. When the application was rejected, she had the opportunity to appeal but no one to help her.

She chose instead to focus on finding a way to live and support herself.

"Yes, then I've overstayed...[b]efore it expired I applied, there is someone from my town said, okay, she will help me to apply for a family member. She applied for me but at the end they refuse. So they said I can appeal. I didn't have anyone to help me and at that moment I was pregnant. So I don't really know where to start and what to do. I just said, let me just concentrate, that's why I just left it, I did not appeal again" (ZF).

Trusted intermediaries

By design, all of the participants had some engagement with the trusted intermediary organisations in the study, and several described engaging with other community organisations, as well as healthcare professionals and social workers. For some participants, this engagement was relatively narrow or limited to a specific form of support, while others had a more developed and ongoing relationship. However, only about half of the participants had been supported in some way by trusted intermediaries to deal with the legal problems they had faced. This depended considerably on the type of service provided by the intermediary organisation. The organisations that provided more holistic support tended to have been involved in some way, while those with more specific service remits, were less so. The support offered was not legal as such but included providing information, signposting and referral, more limited help with navigating processes, assistance with applications and sorting out benefits problems, practical and emotional forms of support, and access to co-located advice services. In several cases, support was much more intensive and involved aspects of the previously mentioned forms of help, as well as more intensive and direct forms of advocacy and case management. They had helped with a wide range of types of problems, primarily benefits and debt-related problems, but also housing and homelessness, and domestic abuse.

It was rare that participants had reached out to intermediaries specifically for help with the

legal problems they were facing. In two cases, for instance, participants had contacted their MPs for help. In some instances, participants had turned to intermediaries when they had tried to deal with the problem on their own for some time, and they wanted to escalate it by, for instance, complaining more formally, regarding the intermediary organisation as a first port of call for assistance given their existing relationship. Much more commonly, participants were already engaging with intermediaries in respect of their particular services, whether that was providing emergency or low-cost food, supported accommodation, employment support or more holistic forms of support and advocacy. In these cases, their relationship with the intermediary presented an opportunity to identify and address law-related issues.

"The only people I have to turn to are the people here, where regularly I come here and I'll be moaning about one thing and another. But I find that they don't judge me, if I want to moan I can moan, if I want to cry I can cry" (N).

In these instances, the relationship with the intermediary was usually a key factor in the participant taking any form of action at all. For one participant, it was receiving a check-in call from an intermediary during the pandemic at the right time that made a difference. She described how it was the consistency of the check-ins and how "they'd catch you on a low day" that led to her discussing her problems with them, when she would usually just say "no, yes, I'm alright" (ZG).

"one of the [organisation] ladies rang me and she was just really nice, I can't remember now who it was. And she was asking me things, I just kind of knew that this woman would be able to help me. She was listening to what I was saying. She'd got help around her, they were taking it serious, because I could hear somebody behind her. I'd hear somebody saying, she should have done that. Have you done this? They knew their stuff as well, that was the thing." (ZG).

While she "started to tell them everything that was going on," she stopped short of telling them about her housing disrepair problems.

"I don't think we'd touched the house very much because, you know, it was such a catastrophe with the benefit and everything going on. I thought, I don't want to start telling them about the house as well, they'll think there's something wrong with me, you know, because it's that bad" (ZG).

This highlights some of the difficulty involved in addressing complex clusters of problems; particularly that someone may be reluctant to share the full extent of the issues they are facing due to fear, shame or stigma. The intermediary let her know about her eligibility for PIP, but she did the application on her own (the outcome was pending at the time of the interview). They also helped to sort out a council tax issue, but she continued to struggle with serious housing disrepair issues.

In most cases, the support of intermediaries took place in the context of a more holistic relationship, where participants developed trust with the intermediary organisation. This, in turn, allowed them to identify problems and support them to resolve them over time.

"I'm not joking, the fact that I've been here for like three or four years, like I should have been gone ages ago, you know, but it took me a long time to build a trust with these. These are like now my forever friends, if that even makes sense...they have literally been at my beck and call, they have been my support in every way...these have been through the mill and back with me" (Q).

Another participant described how over the course of a couple of years, an intermediary organisation had helped him to identify and build confidence to deal with benefits and debt problems that had left him nearly destitute.

"That's why when Support Worker said, oh you should be claiming for this. I thought, oh no, am I going to end up in trouble again over stuff like that? That's why I turned her down and it all came to the end and she says, oh you should be claiming for this again, you should be claiming for it. I thought, I might as well. And this took over a couple of years while I've been here. It's still, because my life is, tell the truth and shame the devil" (I).

In this case, they were working alongside co-located advice services to address the problems. As he recounted, "these guys are trying to get me some more money" (I).

In most instances, where they had provided any support, intermediaries had played a significant role in both identifying problems and supporting people to deal with them, beyond just signposting and referral. The support offered was often described in overarching terms, as one participant reflected, "they helped me get all the things I needed and every support they can get. I don't know why they love me, I don't know" (L). In this case, the intermediary had referred her to the Law Centre for help with social care, while also helping her with food, cleaning her garden and even throwing her a birthday party. Participants also recounted very specific tasks that intermediaries had supported them to do, including making phone calls, filling out application forms and helping to collect evidence.

"These would tell me what documents I needed to bring in or what evidence I need. They'll tell me or they'd write it down for me for when I get home" (P).

They had also in several instances supported participants with applications for PIP and, in one case, a mandatory reconsideration for a problem with Universal Credit.

There were also many examples of intermediaries helping participants to overcome the barriers they faced in dealing with problems. For example, one participant described how an intermediary helps her to read letters when she struggles to understand due to a language barrier.

"...when I have sometimes a question about any letter, when I don't understand, that I contact support worker at [organisation]. [...] [S]he's helping me and she understands me for some question when I do, yes" (D).

Another described how she would not have attended her medical assessment for Personal Independence Payment without the help of an intermediary organisation: "I struggle going to appointments face to face" (R). Some described being almost entirely dependent on intermediary organisations to deal with law-related problems as well as the more administrative dimensions of their lives.

"I have to wait until the Wednesday comes around and I come and see these. It's the only way I can do it because otherwise, if I ring them up and they explain, like I say, I haven't got somebody there that's listening to the phone call with me ready to explain when I come off that phone, or if they ask me a question and I'm not sure, I'll look at that person and that person will give me the nod or the shake to say yes or no" (P).

For another participant, a migrant and mother of two, who had been locked out by her

abusive husband, making her homeless, the support she received from an intermediary organisation was vital in helping her figure out next steps in a very stressful situation. She explains that she had never expected he would lock her out, and she had never thought about what would happen if she were homeless.

"Yes, they shared me where I can go, what can I do. That is one thing I speak, and even I speak, we didn't know how to go on the street, we can't, because he think I will not [...] he think that but he didn't think I would discover some community, some people nice around woman, he didn't think that" (Y).

In addition to practical support to access temporary accommodation, they provided a community of support that helped her overcome the isolation caused by the abuse.

Participants also described instances where intermediaries had more directly intervened and advocated on their behalf. In one case, a participant with complex needs described how an intermediary organisation had written a statement for her criminal sentencing, supported her when social services were involved during her pregnancy, and how they remained available to her for anything she needed.

"They came to my court case and wrote a bit, like life story basically, as of why I shouldn't be sentenced to jail because this and this. They felt like I was, not groomed like sexually, but I was roped into something. I was a drug addict and I was failed by authority. Then when I had social services, they were like in the background saying, no, she comes to group, she's there, she's doing this right. So they have literally been at my beck and call, they have been my support in every single way. They've been through my worst times" (Q).

In another instance, an intermediary organisation negotiated with the NHS on a participant's behalf to reduce a debt. She overstayed a visa and was charged for maternity services when she gave birth to her

son.

"I met, because the money they [charged] me, it was too much, almost seven thousand pounds. So I was like, I met [organisation] and complained to them that I don't have anything. So they talked to them on my behalf, they reduced the money to one thousand, six something. So I've been paying it gradually. Right now I've paid up to one thousand, one, so there's still like about five hundred and something pounds" (ZF).

Another participant recounted how an intermediary had helped him to avert an eviction: "Yes, taking me to court and getting me evicted. So I brought that up and [Support Worker] was straight on the phone, sorted there and then. She said, don't worry about it, we've sorted it" (M).

While there were many positive examples of how intermediaries had helped, overall the picture was that this support could be ad hoc. In the cases where intermediaries had not been involved, there was typically not enough information given to ascertain the specific reasons why. There was some overlap with the reasons explored above for inaction, with some issues not identified by either the individual or the intermediary, reflecting limited awareness of issues such as eligibility for disability-related benefits, adult social care, and employment rights. As one participant recounted sympathetically, echoing concerns raised by intermediaries, "staff are fine but they don't understand either, they don't fully understand, because it's hard to understand, it's not easy" (V). The extent of their involvement also reflected the type of problem with less involvement, for instance, in immigration-related problems. In addition, it wasn't always clear how much individuals had told intermediaries about the problems they had faced. Additionally, the nature of the relationship and the type of services provided also influenced the extent to which intermediaries had been involved. Sometimes the help available through intermediaries wasn't what they needed, as one participant recounted who was dealing with significant debts.

“there was somebody there that I did talk to but they couldn’t really help me. It was something to do with debt and I did speak to him. It didn’t prove helpful really, he couldn’t give me the advice that I needed for the situation I was in but I did speak to him a couple of times. His answer was, well you can speak to the gas and electric company and explain your issues. Yes, but that’s just the tip of the iceberg. The problem is I’m in so much debt and in the end, I had to go through bankruptcy because of the situation I was in” (A).

Despite limitations in what intermediaries could do, those who had been supported by intermediaries to deal with their legal problems tended to have better outcomes, including being able to access advice, or they were making good progress toward resolving problems with their help. As we explore below, the participants who tried to access advice on their own struggled much more than those who had help from intermediaries.

Legal and advice services

Most participants had engaged or attempted to engage with legal and advice services in some way, including private lawyers (legal aid and pro bono), non-profit legal services, and advice agencies in the course of dealing with their legal problems. Some participants had accessed, or tried to access, several different forms of support. This was expected given that marginalised people are more likely to seek advice than other groups,¹² and participants were involved with organisations that could help facilitate access. However, trying to access legal and advice services was rarely a straightforward process, and many of them were not successful in finding the help they needed. As explored above, trying and failing to find advice led to inaction or self-help in those cases. Most participants who accessed legal and advice services had been struggling on their own for some time, and it was often only once they were in contact with intermediary organisations that they were

able to access advice and legal services and other forms of help and support. This is not to suggest that people who had tried to access support on their own were entirely unsuccessful in doing so, but they were more likely to face difficulties, receive help for only some of their problems, or fail to get advice. Overall, participants’ experiences highlighted how a joined-up ecosystem of legal support helps to facilitate access to advice.

The reasons why participants had sought help from legal and advice services were not generally explicit in their narratives. For many participants, this was not a proactive decision they had made, but rather the result of support from intermediaries, as described above. In other cases, participants were simply seeking help, sometimes with a sense of desperation, and trying multiple places.

“I need to find a way to do that, to make the debt go at least. So that was the only way I found to deal with the issue, to go to The Law Centre, to go to the council, to speak to the Job Centre, all of these helped to find, you know, deal with this situation” (S).

Another participant recounted how he had called an employee helpline at his former place of work when faced with homelessness: “I was just too desperate, I was just seeing what was out there and if there was anything people could do for me or help or just listen. They recommended, they were like, call [advice agency].” (V).

For participants who hadn’t accessed any legal or advice services, or who had relied entirely on intermediaries to facilitate access, there were several factors at play. Some reflected on prior negative experiences and complex feelings around asking for assistance as key factors deterring them from getting help (explored in more detail in section 6), overlapping with reasons for inaction and self-help: “I’ve lived all my life helping other people out and I don’t expect anything for me in my life. As a boy I’ve been left alone to sort things out in my head, to kind of do things on your own” (I). Others felt too weighed down and exhausted to seek help.

¹² See for instance Pleasence and Balmer, ‘Legal’ Problems, 37.

“...the inflammation makes you fatigued, pain, constant pain makes you fatigued as well. So that leaves me in a position of I’ve got to do this stuff but then I’m sitting there going, I can’t really be bothered to do it at the moment, I haven’t got the energy.” (ZD2)

There was also a wider lack of awareness of legal and advice services. Particularly when asked directly, it was common for participants to say that they would simply not know where to go for help. This was sometimes the case even if they had accessed these forms of help in the past.

Access to advice and legal help depended partly on the type of service they were trying to access, as well as whether they had support from intermediaries to do so. Several people appeared to have accessed advice services on their own. Some received the help they were seeking – for instance, support with filling out benefits forms, receiving information about council tax, and getting debt relief orders, as well as referrals to legal services. Others had struggled attempting to access advice on their own, finding for instance that they were shut due to the pandemic, or simply not getting the advice they needed.

“No, we were calling them, calling them and, you know, we will keep calling them and speaking to them. Try to navigate through this choppy water. I was talking to [advice agency], talking to the benefits people, talking to the housing association, you know. Taking time, during that time, to be able for me to find a job, which I later did and able to pay, but never get any support or anywhere in that sense, no (G).

This case also highlighted potential issues with referral pathways, as he was threatened with eviction but never referred to the Law Centre or any other form of legal help. The same participant had also been directed to a private lawyer for his citizenship application,

when charitable services were available, highlighting further potential issues in pathways to affordable legal services. For him, this experience exemplified the wider challenges in accessing help.

“And for instance, with my immigration, I was a refugee and I was applying to be British. [Organisation] told me to go to the people, to the organisation, the immigration centres, where they deal with that. And for me to take my application form, you know, to apply for a British Citizenship, they charge like £1,000, like up, nearly £2,000” (G).

While he eventually did access a local non-profit service as a result of his own research, it is surprising that he was not referred to that very well-known service in the first instance. Another participant described approaching several different organisations and services for help with his employment problem and said “...you will end up at the right place eventually” (K), seeming to accept as given the route to help will not be direct. This was followed up with more specific comments about automated systems, making clear that part of the difficulty was being able to speak to a person.

“I don’t like speaking to robots, I’ll be honest with you. [...] Some of these places don’t have people, you know, they just have automated systems, especially out of hours. It’s just when you’re, I get frustrated when I leave three-four-five messages, you know, for a callback, and nothing happens. And then there again you’re chasing your tail” (K).

Another participant described how he had struggled to find practical help as opposed to signposting when he searched for information about homelessness.

"In my research, until literally they appeared in my research, when I was even researching. I even emailed like this contact in the NHS and stuff, and the only resources they could share, you know, those advice charities, like homeless charities like Shelter and stuff. And the only things they could offer were like advice on how to advocate for yourself and things like that. There wasn't anything practical that they could offer" (V).

In contrast, those who had been supported by intermediaries seemed to have a more straightforward experience of accessing advice. This was particularly evident in cases where intermediaries had relationships with local advice agencies.

Similarly, all of the individuals who had been supported by the Central England Law Centre had been referred or supported by intermediaries to access them. The majority of those who had tried to access the Law Centre but couldn't for a variety of reasons had tried to do so on their own. Those who sought help unsuccessfully found that their issue wasn't one the Law Centre supported or that they did not have the capacity to help them. They were unable to find alternative sources of legal help, highlighting the scarcity of local provisions in social welfare law outside of the Law Centre. If they weren't able to get help from the Law Centre, this could deter them from seeking further help. As one participant who had approached the Law Centre for help with disrepair but was turned away explained, "they don't cover housing repair issues because they don't have the funding and they're too busy" (ZG). She didn't try getting any further help because she thought:

"...if they can't do it, who can?" (ZG).

Some were confronted with the wider lack of availability of legal aid, particularly in private family matters:

"Anyway, my son's now living with me, and I don't know what my rights are and what I'm entitled to. I've tried to speak to a solicitor, I rang one up and I spoke to a solicitor for half an hour or so. A solicitor for an hour would cost me two hundred pounds. There's no legal aid and I just don't know who I can go to, to speak to. The Law Centre were full to capacity three months ago. I emailed them two days ago, they're still full to capacity. There's no help that I know of that's out there. I can't afford two hundred pounds an hour" (A).

Another participant who had approached the Law Centre before going to a private lawyer for an immigration and family law-related issue paid an initial £240 for advice, but she couldn't continue as she did not have the resources to pay any more.

"Law Centre, they said, this is not our process because it's a special process like this. And I went to agency, paid two hundred and forty pounds, and she said to me, if you like to go through that we need more money, and I can't obviously. I stop that, I can't have money for process to travel" (Y).

The same participant had also struggled to find help with her divorce, even though she was a victim of domestic abuse. In both of these cases, they were left without further options for support.

In general, pathways of access to private lawyers were more mixed, with participants often unclear about how they had accessed this support, and in some cases, who was representing them. Intermediaries had generally not been involved in facilitating these connections; in the limited instances where they had been involved, their support did not appear to have made much difference to the participant's ability to find help. There were considerable difficulties in accessing legal aid for those who were working with private solicitors. One participant, who ultimately received some legal aid for her divorce due to domestic abuse, described first approaching a private law firm and borrowing money to pay out of

pocket, before eventually calling Civil Legal Aid and being directed to a legal aid firm.

"The only way I could, in the end I couldn't afford legal fees and I was told that because, because I disclosed there'd been domestic violence in the marriage [I could get legal aid]. I initially went to a lawyer, a law firm, and I paid them £750 and they said that was to cover the divorce and the financial remedy. And then after about a month they started asking me for more money, I owed them money, and it was going to cost thousands and thousands. And I said, well I don't have that sort of money. My dad sent me that £750" (J).

Though they had told her about her eligibility for legal aid, she recounted that she "didn't get any support really in doing it. I had to just use Google mainly and try and find out what I could from there" (J). In the meantime, she was left at a significant disadvantage and her ex-husband's solicitor was:

"harassing me and wanting me to sign and send back this, that and the other, and send them bank things and stuff. And I was like, well I don't have legal representation. And they were like, well why not? And I said, well I'm waiting for legal aid because I can't afford the proceedings" (J).

Though she did eventually get some legal aid, when it came to an impending order for sale of their house, she "had nowhere to turn" and didn't feel she could go back to the legal aid provider because they had already closed her case (J). Another participant in the midst of child protection proceedings was also frustrated by the limitations of legal aid:

"...I haven't been able to get legal aid because I don't have the judge's decision or anything, which is what I supposedly need, which to me needs to stop. It does because if they can stop with this, oh you need the judge's final decision for us to think if we can support you, no, just support them parents anyway" (U).

Another participant had also struggled to access legal help for her immigration case. She had initially done all of her immigration applications on her own, because she did not believe and had apparently never been told that she could be eligible for legal aid, despite being a victim of domestic abuse. "Yes, all my application I did myself. I called the Home Office to find out what's going on. People support me because we didn't have any money to go through any solicitor. The legal aid people will not accept me because I have no recourse to public funds (L). These experiences highlight how participants were hindered in their ability to find legal help, in part by limited awareness and access to information about what help they may have been entitled to.

Overall, in cases where participants had accessed legal help, with or without support, this access could only in a very small number of instances be described as 'timely'. In one instance, faced with a problem with the allocation of social housing, a participant was able to get advice from the CELC within the three-day window she had to accept the offer, due in part to assistance from a local MP and a local advice agency. "They called me quickly," she recalled (F). However, much of the time participants were already in crisis when they accessed help, and they had already been struggling for some time. As noted in the discussion of those who had not taken action, it was often only once participants had been made destitute that they sought more formal help, often with the assistance of intermediaries. While sometimes it appeared that participants had not had much contact with any formal help, others had been in contact with intermediaries, advice agencies and lawyers without the full extent of their problems being recognised. The mother discussed above who was awaiting the outcome of her immigration case was living with terminal cancer. She was supported separately by the Law Centre to access social care (s17 support). By the time she received this help, she had been struggling for months to get by on asylum support payments, undertake day-to-day tasks, and look after her children while receiving chemotherapy treatment. It was only once she became involved with an intermediary organisation that these needs were identified. It is concerning that neither medical professionals nor her immigration solicitors appear to have identified or acted

upon her need and eligibility for adult social care, even just to make an appropriate referral. This points to some problems with the siloing of different forms of legal practice. While she also appears to have accessed legal help very quickly after an initial refusal from the local authority due to the help of the intermediary organisation, earlier opportunities for intervention were missed.

In general, outcomes when people had successfully accessed legal and advice services were good, usually resulting in the successful legal resolution of their problem (e.g. through representation at a tribunal, support to access debt relief, etc.). However, those involved in lengthy asylum appeals in particular were still struggling, even with legal help.

Conclusion

This section has highlighted the prevalence of unidentified problems as a significant source of inaction, alongside a focus on survival and necessities, or feeling that action would be too difficult or not worthwhile. Handling problems alone was more often linked to a clear decision, influenced by a range of factors, including the availability of advice. Our findings point to the complex social dimension of how people respond to law-related problems, including how they conceive of problems, their social context and position, and the importance of different forms of help and support. While inaction and self-help were common responses, participants' experiences also show the difference that having support, particularly from trusted intermediaries, can make, especially in terms of helping to identify legal problems, encouraging them to take action, and assisting them in practical ways. They were also better able to access advice and generally achieved better outcomes when supported by intermediaries; however, this support was often ad hoc, reflecting some of the challenges that intermediaries identified in our interviews with them. The role of legal and advice services was also vital when participants were able to access them, but our analysis pointed to some of the challenges presented by limited availability and the scope of legal aid.

Overall, this points to the importance of a diverse ecosystem of legal support that can

help ensure that people receive the right mix of support and address the causes of inaction. This includes understanding challenges with legal capability, which are addressed in section 6, but also the structural issues that lead to people struggling to access legal support, such as inconsistent referral pathways between and among organisations and advice agencies, limited capacity among trusted intermediaries, misinformation about legal aid eligibility and the impact of limited capacity in legal and advice services. Addressing these issues and averting the poor outcomes associated with doing nothing and handling problems alone entails supporting collaborations and partnerships, improving access to early advice and addressing acute shortages in specialist legal advice in order to ensure a continuum of legal support.

5. LEGAL CONSCIOUSNESS

Key Findings

5.1 Law and rights held relatively little meaning in relation to participants' immediate experiences, and associations with law and rights tended to be negative or abstract, pointing to a pervasive sense of legal alienation.

5.2 Their perceptions reflected their wider experiences of marginalisation related to a range of interrelated factors, including disability, mental ill-health and prior trauma, as well as more specific experiences with the legal system. More recent encounters with the administrative state, including its digital interfaces, as well as more powerful actors such as landlords and employers, undermined their integrity, humiliated and depersonalised them, further exacerbating their sense of alienation from law and rights.

5.3 Even when participants had successfully asserted rights, their narratives were not generally framed in terms of empowerment, instead reflecting that what they had experienced was an unnecessary ordeal. However, they emphasised the importance of feeling supported, being heard and having relationships of trust, often related to their engagement with intermediaries as well as more positive encounters with legal and advice services.

Introduction

This section considers participants' experiences from the perspective of legal consciousness. Legal consciousness is broadly concerned with how people, "experience, understand, and act in relation to law,"¹ including how they make sense of their experiences in relation to legal concepts and categories.² It is concerned with subjectivity, or how people conceive of themselves and the world around them, how law does or—as is often the case—does not figure into these accounts, and how this may relate to actions or decisions.³ Legal consciousness is shaped by a wide range of life experiences, it is highly variable and context-specific, and it may be closely related to situated and intersectional forms of identity and status.⁴ It provides insight into the realities of law and rights as they play out in people's lives.⁵

This insight is a key element of designing meaningful and effective early intervention and public legal education strategies which take account of and engage with those realities and meet people where they are at. When designing these strategies, it's important to recognise that "...many people already know a great deal about the law as a result of their interactions with police, landlords, employers, and government agencies," and that the knowledge gained through these experiences is just as important as any technical or formal knowledge of rights and legal systems.⁶ In addition, one person's interaction with the police or with a landlord may be entirely incomparable with another's as power

imbalances and "disparities in access to law [...] ultimately inform, shift and develop legal orientations."⁷

Participants' narratives conveyed legal consciousness in a variety of ways, including through how they identified the problems they had faced (i.e. whether these were described as legal problems or not, and if they were, what this might have meant to them), as well as responses to more direct questions about how they feel about law and rights, their reflections on their experiences and how they tried to make sense of them. Across these different types of narrative and diverse experiences, we found a pervasive sense of alienation from law and rights which presented and manifested in a variety of ways, despite (or perhaps because of) most participants having extensive experience of navigating law-related problems, albeit sometimes successfully.⁸

The research revealed some of the experiences that produce legal alienation, but also how legal alienation functioned to compound legal needs, driving a greater sense of societal dislocation and social isolation. This is important for at least two reasons. Firstly, the prevalence of this sense of alienation serves to demonstrate how distant an actionable or empowering sense of law and rights may feel for people who are marginalised. Raising law and rights as potential solutions to problems can exacerbate this sense of alienation as it calls to mind negative experiences and associations or simply does not fit their experience. Secondly, this sense of alienation is itself a reflection of contemporary dynamics around law and rights, when assistance is relatively scarce, and often comes too late. In

¹ Lynette J. Chua and David M. Engel, "Legal Consciousness Reconsidered," *Annual Review of Law and Social Science* 15, no. 1 (2019): 336.

² Legal consciousness theories and empirical studies emerged as an aspect of law and society scholarship in the 1980s and 1990s, see Susan S. Silbey, "After Legal Consciousness," *Annual Review of Law and Society* 1 (2005): 323–368.

³ *Ibid.*, 337.

⁴ Patricia Ewick and Susan S. Silbey, *The Common Place of Law* (Chicago: University of Chicago Press, 1998) 43.

⁵ Mari J. Matsuda, "When the First Quail Calls: Multiple Consciousness as Jurisprudential Method: A Talk Presented at the Yale Law School Conference on Women of Color and the Law, April 16, 1988," *Women's Rights Law Reporter* 11, no. 1 (1989): 7–10.

⁶ West Coast Legal Education and Action Fund, *Re-Envisioning Public Legal Education and Information (PLEI)* (British Columbia, 2021), 24.

⁷ Diana Hernandez, "'I'm Gonna Call My Lawyer': Shifting Legal Consciousness at the Intersection of Inequality," *Studies in Law, Politics, and Society* 51 (2010): 97.

⁸ For a recent account of legal alienation see Marc Hertogh, *Nobody's Law: Legal Consciousness and Legal Alienation in Everyday Life* (London: Palgrave, 2018). However, our account of legal alienation differs from Hertogh's, particularly insofar as our participant's experiences demonstrate that alienation is not just a question of being 'outside' the law or choosing to seek non-legal solutions. Alienation can be the outcome of ongoing experiences with law; alienation is a form of relation, one in which people may be profoundly impacted by law, but nonetheless largely figure themselves outside of it, subject to it but unable (or uninterested) to control it or wield it as a tool.

addition, participants' narratives also highlighted the importance of feeling supported, being heard and having a sense of community, indicating some key values that should influence the design of effective services that can meet legal needs and underscoring the value of a diverse ecosystem of legal support.⁹

Perceptions of law and rights

In this section, we consider how participants made sense of their experiences in relation to law and rights. This includes how they invoked law and rights in their narratives and how they responded to more direct questions about their views. It was relatively uncommon for participants to frame their experiences in terms of law or rights; when they did, this association was not usually a positive one. Where participants did refer to law and rights when describing their issues, this tended to convey a more tenuous or ambivalent relationship, shaped by wider power dynamics. Across these different framings, there is no clear sense that having a legalistic framing for the problem meant a greater propensity to take a particular course of action, as we explore in more detail in the next section on legal capability.

In one case, for instance, law was identified as being relevant in an off-hand way, as something that is "thrown around" (A). Reflecting on some assistance he had from a health worker while dealing with discrimination at work, he described how:

"...she tried to do a lot of work with my employer because I was having such problems... My employer was, oh yes...[w]e'll do all this, that and the other. Then when it came down to it they sort of played around with it a bit... it was like they did what they said, they did give me time off but it wasn't supposed to be as sick [leave], and then the disability act was thrown around" (A).

While a legal framework figures in the story, his focus is more on the actions and motivations of his former employers. He brought a similar emphasis to his account of a more recent problem with the DWP: "I felt they knew they'd done something, that they were in the wrong and they were all trying to cover it up" (A). This underlying sense of unfairness drove him to pursue a resolution, largely on his own.

A legalistic framing could also invoke a sense of resignation, helping to identify that something unlawful may be taking place, but without this spurring a particular form of action.

"So I was saying to them that I couldn't do certain things because of the stress that it put me under in certain situations. They'd say, oh just go and do that for us. And I'd say, no, I'm not going to do it. But they were saying, well you're going to have to do it. Well, we've talked about this. This is another case of discrimination, I'm not doing it" (ZD2).

While understanding the problem as discrimination underpinned his intention to refuse the duties he would be unable to perform, the prospect of making a more formal challenge was exhausting. In this case, using a term like discrimination served to identify the problem, but also to describe a status quo. This was echoed when he discussed the possibility of applying for PIP: "I've been told now that I should be making a claim for PIP because of my circumstances but that's going to be another fight" (ZD2).

The lack of continuity between legal and rights framing on the one hand, and taking a particular course of action on the other, can

⁹ Sam Kirwan has highlighted "...the *plurality* of actors involved in shaping the ways in which legal frameworks are discussed and interpreted – a plurality that disrupts the dominant image in which a set of experts... provide information for a separate group of lay people." "The UK Citizens Advice Service and the Plurality of Actors and Practices That Shape "Legal Consciousness", *The Journal of Legal Pluralism and Unofficial Law* 48, no. 3 (September 2016): 462.

be contextualised in relation to how participants spoke about law and rights when asked more directly about their views. While their views were far from uniform, they were linked by a sense of distance from law. It was notable, but not entirely unexpected, that participants often struggled to answer the question. This may be partly related to the abstract nature of the question, but it also underscores the lack of salience that law and rights can have. As one participant put it:

"I don't know really. I would like to say, if I do have rights that would like, you know, that would be good if I'm honest. But I suppose, I don't know really, I suppose everyone has rights really in a way, don't they? So I'm not really, sorry, I'm not really good at explaining things" (ZB).

There was also a tendency amongst some participants to respond abstractly. They referenced more formal conceptions of law as a set of rules, rights as entitlements, or broader notions of morality, usually without relating these directly to their immediate circumstances or recent legal problems. For example, one participant recounted:

"...I feel good about law to be honest. I remember when I was, I used to go to school, I used to not be bad... I'm a person who likes to be right to be honest. I like when everything is right. I don't like betraying people... so for me law means like to do the right, you know, like to be a good person" (S).

The connotation of law as a system of rules could be interpreted positively or negatively. One participant saw law as a system of rules that had ultimately benefitted her as an asylum seeker.

"Like a woman here, yes, the rules, I'm happy, they help me too much. Like especially if you are a single mum and you are alone. I'm happy for all rules they have... the rules are all good and it is all useful, especially like me, I am a single mum" (D).

Another participant, a care leaver, cast this in a more negative light, "[l]ike the government rules and stuff? Well I don't follow, I meant I guess I do but...I think they're just trying to control us by putting these things in place" (ZC).

While recognising that rights could potentially be useful as a form of entitlement and relevant to their circumstances, it was also common for participants to focus on rights as a form of knowledge that they did not have or were actively denied access to: "I feel like I don't know what my legal rights are. I don't know much about the law" (J). Another participant reflected how "[y]ou're not told what you can do, your legal rights" (M). This was also related to wider reflections on power imbalances, as they played out in their own stories. In a rare example in the study of someone who did have a more actionable conception of rights, one participant reflected:

"...what are legal rights anyway? [...] I mean I got access to stuff and I didn't really, I just followed the same processes everyone else did. I didn't encounter much...with the privilege of being able to follow those processes and with the privilege of being able to research and advocate for yourself and talk about your needs, like that's my huge privilege in accessing any of this help." (V)

Law, for some participants, was construed as a way of accessing help. As a consequence of not knowing about law and rights, "you don't know that you can, that you are allowed to access that help, too" (V). Or, as another participant put it, "the relief [of] talking to somebody" (X) associating this with advice and support. Loosely associating rights with "what you are entitled [to]", one participant elaborated, "[i]f you are in trouble how to seek support, how to seek help. Who can support you, help you, you know" (G).

While implying that law and rights could hold some benefit, another participant observed how they could be easily manipulated by those with more power, commenting that

“...legal loopholes [...] need to be closed up. The ways of getting out of their responsibility need to be closed legally [...],” lamenting that companies are “able to use different parts of the law in their favour because it’s not written clearly” (ZD2). Others were more inclined to dismiss law and rights entirely, for example by suggesting that “[i]t all comes down to money and I don’t have it” (I), or seeing getting a better job or making more money as the only way to improve their circumstances, and otherwise feeling “helpless” and “powerless” (C). Law and rights were also more explicitly linked to power imbalances, as well as politics and corruption, with some participants questioning whether it had any relevance at all.

“Legal and rights issues, I don’t feel like people would even see it as that because they never listened to us beforehand. [...] There’s no such thing as rights anymore, there’s not” (H1).

Echoing this view and describing herself as “a cynic,” another participant suggested that “it doesn’t matter what you think your rights are, the law will embody and act upon that, it doesn’t matter what you think” (ZG). Demanding rights would be “just asking for trouble [...] because nobody gives a flying sod” (ZG). Her experience of working in local government had shown her that it all came down to politics and that the system is “too established, it’s too strong.” As a result with law “[a]ll you can do is size it up and use it to your best advantage” (ZG). Another participant went so far as to say that “it only protects criminals, that’s what the law’s there for” (O). When asked her views about law and rights, another participant who is a single parent, homeless and living in the country without any status, said “legal issues is just as good as you don’t have status, that’s it” (ZF). The law is something to be obeyed, “nobody’s above the law, you can’t do beyond the law” (ZF).

Alienating experiences

In this section, we turn to how participants described and reflected on their experiences, including their past experiences and personal

backgrounds, as well as their more immediate experiences of dealing with the law-related problems they faced. These accounts provide insight into why legal and rights frameworks might not feel especially empowering or enabling for people who are marginalised and struggling to deal with law-related issues. They also help to situate, in turn, the other frameworks they use to make sense of their experiences.

The relationships that participants express to concepts of law and rights can be described as alienation.¹⁰ Legal alienation can variously convey meaninglessness, powerlessness, normlessness or estrangement from state law.¹¹ These aspects of legal alienation were all evident to differing extents in the narratives of participants; whether they struggled to answer the question, conveyed a sense that rights held no potential benefit or possibility of redress, diverged from the socially accepted role of law and rights, or rejected more culturally dominant beliefs in the power of law.¹² Even the more positive associations and accounts of law convey a distance from law. Alienation signifies much more than just negative or ambivalent views about law and rights; it reveals something about the nature of law itself, particularly as it is experienced by people who are marginalised. The law they confront, as Austin Sarat argued, “is neither a law of reason and justification nor of sacred texts and shared normative commitments.”¹³ Alienation is a product of these experiences and increasing juridification: “legal regulation seems to become more alien within citizens’ experience, at the same time as it confronts

¹⁰ See, for instance, Hazel Genn, *Paths to Justice: What People Do and Think About Going to Law* (Oxford: Hart Publishing, 1999), 247. Alienation in social science is traceable to Karl Marx and developed by Emile Durkheim but became particularly popular in the 1960s and 70s. Recent scholarship bridges legal consciousness and alienation literature, see Marc Hertogh, *Nobody’s Law*.

¹¹ Hertogh, *Nobody’s Law*, 15.

¹² Ibid. Drawing on Melvin Seeman, “On The Meaning of Alienation,” *American Sociological Review* 24, no. 6 (1959): 783–91.

¹³ Austin Sarat, ‘The Law Is All Over: Power, Resistance and the Legal Consciousness of the Welfare Poor’, *Yale Journal of Law & the Humanities* 2, no. 2 (1990): 345. See also David M. Engel and Frank Munger, *Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities*, Chicago Series in Law and Society (Chicago: University of Chicago Press, 2003), 87.

that experience in ever more detailed and intimate ways.”¹⁴

The accounts of participants showed clearly how their views relate to their experiences, for example, as migrants or care leavers, as disabled people or people struggling with mental ill-health; and as people who have been routinely failed by systems that should support them. Their more recent experiences compound disadvantage and exacerbate the marginalisation they have experienced. Notably, this perspective was not significantly altered when participants had been successful in asserting their rights or resolving a problem. However, these narratives also highlight how participants were not complacent, and they were often very aware that something wrong or unfair had happened to them.

As one participant demonstrated, an abstract account of law and rights could give way to a more personal one, intimately connected to her own experience. Though she initially struggled to answer the question, she eventually suggested:

“I think legal issues are what’s considered as the law, like breaking the law sort of thing. And then rights, like your human rights, what you’re entitled to, like to live in peace and have access to water and that sort of thing. Is that correct?” (T).

She then went on to speak about her experiences of childhood sexual abuse (which had not been raised earlier in the interview), sharing some details about the traumatic impact of the perpetrator being released from charge, a complete breakdown

of wider familial relationships and a subsequent retrial much later. She reflected that:

“in terms of [my] rights there, I didn't feel like I got the justice that I needed. I didn't have my family back at the end of it. And now for the rest of my life, I have to live without family and that is pretty crushing” (T).

When it came to then dealing with homelessness and welfare benefits issues, she reflected that this prior experience, “just made things ten times worse,” due to the enduring effects of trauma (T). Trauma and ongoing mental illness feature throughout her narrative, in which her encounters with various forms of administrative bureaucracy and even advice regularly exacerbate her trauma. She described her interaction with a benefits caseworker as being quite stressful: “[h]e asked me the questions quite rapidly, I answered them. He then said, it’s straightforward and that’s all I can say, and he had to hang up. And I was like panicking because I thought what does that mean?” (T). The same participant also described some of her interactions with a local advice agency as triggering.

“So when it came down to other organisations asking me, right, where are you at with things, I had no idea and it was an absolute nightmare. [...] Then the other problem I had was whenever they got hold of me it would be a different number every time. And so again, I couldn’t remember who this person was that was texting me. It would be getting very triggering and very annoying each time, trying to figure out who it was, and made that process very, very slow for me, which could have actually, it could have actually penalised me” (T).

As another participant discussed, trying to get advice or legal help could be re-traumatising, requiring someone to revisit some of the worst moments in their lives.

¹⁴ Roger Cotterrell, *The Sociology of Law: An Introduction* (London: Butterworths, 1992), 291, 46. More recently juridification has been explored in relation to particular legal domains including employment law. Kirk argues employment relations are undergoing increased juridification, “which while often vaguely conceived, suggests the increasing relevance of law to our everyday working lives, see Elenor Kirk, “Legal Consciousness and the Sociology of Labour Law,” *Industrial Law Journal* 50, no. 3 (2021): 408. See also Edmund Heery, “Debating Employment Law: Responses to Juridification,” in *Reassessing the Employment Relationship*, eds. Paul Blyton, Edmund Heery and Peter Turnbull (London: Palgrave Macmillan, 2010).

"Because I had to provide proof that I suffered domestic violence. So I had to get a letter from my social worker at the time and my doctor, certifying that I'd presented with injuries and I'd been a victim of domestic violence. So it was quite harrowing going through all that and digging it all up again" (J)

Traumatic past experiences were relatively common for participants, and they influenced how they understood their current circumstances. Several participants had experience of the care system, which as one participant described had led to a deep distrust and resentment of authority. "The local authority failed me growing up, you know, they gave me money and told me basically, fuck off, get on with your life" (Q). In turn, participants also reflected on how the systems they have to engage with do not recognise the impact of these traumatic experiences: "I know that I'm different...I've been through so much traumatic shit. I've had a crazy, crazy life and a lot of people don't understand me" (ZC). These experiences could lead to a strong sense of independence, as for one participant who had been made homeless some years before the study while she was pregnant and had two small children: "I've had to do things on my own. Even daft things like painting and decorating, I don't rely on no one for that" (N).

A lack of support, and the failure of systems to provide support, particularly around mental health, was a central aspect of narratives. One participant described having his mental health needs overlooked as a key aspect of the problem, "I've got mental illness and then the support from the government is not there. What do I do, where do I go?" (G). Notably, this participant did invoke human rights, asking "[w]hat do I do, where do I go? You want me to go in the street, live in the street, you don't care. What is my human right, what should I do? So that's what it was" (G), but this is very different to how he framed the problem as such and an appreciation that he may have had specific, actionable rights when faced with eviction. Feeling unsupported was echoed by several participants as a way of framing their stories. "...I felt like my needs were being overlooked. Like I need help with this child, I

don't need to be coming to court over attendance. [...] I said, I want this child in school, I need some help, and I wasn't getting it" (N). Participants also described not feeling heard:

"I feel like when I do say my piece sort of thing, I feel like sometimes I don't get listened to enough if that makes sense. Not with here but I mean like with the Universal Credit and stuff like that. I feel like I don't get heard if that makes sense" (ZB).

It was also common for participants' narratives to focus on instances where they felt their personal integrity had been called into question, by directly or indirectly being accused of lying or making things up about their lives and experiences. These were particularly common reflections on experiences with employment problems and welfare benefits. This could take the form of outright personal accusations:

"It is scary because the coaches there, when I first started out this one coach called me a liar. She made you feel about that small. That's why I'm slightly a bit jumpy about going down there and asking for stuff. I just thought at the time, it's not on. My life went, you know, you get older and you get into my age, you get jumpy over anything. Basically, I just want to cry over the situation" (I).

This hostility could feel embedded in the process itself, as one participant reflected about her experience of applying for Personal Independence Payment:

"they ask you the same question over and over again but just in a different way like they're trying to slip you up. [...] I'm not stupid, I'm not trying to blag my illnesses, so I know what you're doing" (R).

She went on to add, “[l]isten, I wouldn’t be coming to you if I think I don’t need it” (R). Similarly, for another participant who had developed a severe illness while working and was subsequently unfairly dismissed, the premise of the interaction with his employer was a questioning and defence of his integrity.

“I didn’t wake up one morning and think, I can’t be bothered to go to work, you know, that’s not in my nature. I like working, I actually love working, because I mean when I was off work I was applying for work in readiness, if you know what I mean, to go back” (K).

The disbelief they encountered could also lead to questioning themselves, as another participant faced with losing parental rights recounted:

“[W]hat they’ll do is they start making you second guess yourself, socials done that to me. So now I’m just thinking, oh is that true, is that actually what happened? [...] But I know exactly what she did and she remembers what she did but they made us think that we were wrong, we’re always wrong, they’re right. It’s crazy how bad it gets and that isn’t just the staff from the supported accommodation, it’s the socials as well doing that to us” (U).

Overall, these experiences could also lead to feeling humiliated, demoralised and dehumanised; being made to feel “small,” as the participant above noted (I). Importantly, it isn’t just the difficult circumstances they find themselves in that cause these feelings, but the experience of trying to deal with them. As one participant remarked about his attempts to sort out a benefits problem:

“It was having to sit in the corner away from everybody. Some days I had to go home because I wasn’t well. I’d got pains and said, I can’t sit here any longer. I just felt so worthless and nobody was interested in helping” (A).

These experiences could ultimately lead to exhaustion, wearing them down, and changing how they saw themselves.

“It’s disgraceful. So I know what I’ve got to do, is get on the phone again and just keep hammering them. And you’ve got to hammer them every day and I haven’t got the energy, the strength or the health to do that literally every day. So I’ve gone pretty miserable and bitter I guess, you know, as to the person that I was two years ago, it’s probably about the same because it’s been going on that long. But having said that, in comparison to the person that I was when I was working and that, I’m a different person altogether” (ZG).

Moving from their own experiences to wider worldviews, many participants differentiated themselves from others who they perceived as taking advantage of the system. For instance, as one participant explained:

“That’s why I could sit here and feel like crying because you’ve worked twenty-seven years of your life and they still treat you, oh get back into work, you should get into work now, you know what I mean. You look around and you see other people who haven’t done a day’s work in their life. And they’re telling me to get back to work and pay for all these other people who haven’t done a day’s work in their life. I’m not taking the thing out of them, I don’t know what’s wrong with them” (I).

Some referred to specific groups or characteristics and linked these to fraudulent or unfair claims to welfare assistance: “[p]eople are walking in there with limps and then walking out normal after they’ve got paid, you know.” (K) Notably, these views were not incompatible with wider systemic critiques, “The rich want to keep the money, the poor want to give it away if you like, does that make sense? They would bend over backwards” (K). Though common, this tendency was by no means universal; participants often qualified their views, presented contradictory ones, or turned to

other frameworks to make sense of their experiences. The participant above ultimately described it as a matter of luck and normalised the problem:

"I don't have the luck to get a decent benefit, I'm always on the lower end of benefits" (I), and normalised the problem: "I don't think I've been treated badly, it's just a normal thing of life" (I).

Another participant who was dealing with unsuitable housing was "just [...] putting it down on her luck, that she didn't have much luck and put her in this situation" (C). More moralistic framings tended to focus on things seeming 'unfair' or 'wrong', or participants wondering what they had done to deserve the treatment they were subject to:

"[i]t's just a shame because I am not here to hurt or kill anybody, so I don't know why the Home Office wouldn't grant a very humble human being like me. I just love my community, I love my kids, I'm just looking for a life" (L).

Others turned to faith and religion to make sense of their experiences. This was particularly common among the asylum seekers and refugees we spoke to: "I believe everything happened for us, we have to see a good reason and sometimes we will know it or sometimes we don't know it" (F). Another participant who had been sectioned under the Mental Health Act during the pandemic told his story in a way that was bound up with a decision to "return to the faith," and his faith plays a much more prominent role in the story than the interventions of health professionals or the local authority (ZE).

The importance of support

As noted above, participants' experiences overall were not framed in terms of empowerment, even when they had been successful. This is not to suggest that the outcomes were not important to them. As one participant recounted:

"PIP has massively improved, like will massively improve my life. I have it until like 2028, so I just don't have to worry about that. Like literally the stress relief, like no matter what I'll always be able to pay my rent" (V).

However, even if they had successfully navigated a problem or asserted their rights, their reflections on their experience could understandably be more ambivalent. As one participant described of the homelessness process:

"...it's not that I'm not grateful, I am, but obviously I did feel like, you know, there was not really a lot of communication. I don't feel like I had a face to a name, which was really difficult for me. Having PTSD, like I forget names, I forget organisations. Unless I have somebody's face to look at and associate myself with I won't really remember" (T).

Participants were often looking for, as one described, "a little bit of empathy" (K).

A much more salient theme amongst participants related to support. Having support was a key factor for many participants in taking action, as discussed in the previous section. While participants' wider worldviews and how they made sense of their experiences differed significantly, many of them highlighted the importance of feeling supported. Feeling supported, seen and heard, could help to counter and reduce some of the alienation that participants had experienced. It was common in the last section for participants to describe feeling unsupported; echoing this, participants also emphasized the importance of feeling supported and described experiences, or aspects of their experience, where they felt they had this. For many participants, what they wanted was to be and feel supported; to be heard and listened to. "I know this is going to be nigh on impossible but I mean just one person, you know, to listen to you" (K). Importantly, this is not just being offered services but reflected a more fundamental desire to be understood.

"Now they did try and say they were supporting me, I was getting all the support. But to me support means that we'll talk it out with you and try and figure out the issues on why you're not picking it up, not saying that you're generally unsuitable and lazy. To support someone you look into it and the cause of it. And as socials they should know that, not me being the parent they're meant to be supporting knowing that" (U).

Moments when they had felt heard or supported stood out amidst narratives that otherwise focused on frustration: "[t]o be fair, going through everything that we went through, there was only ever the learning mentor teacher that ever actually sat there and listened to the story that we were telling" (H2). One participant who reflected on how challenging the overall process had been, noted that "[c]ommunity is really important, not feeling isolated[...]. I was feeling super lonely. Being able to connect with like other young people in the same situations" (V). This was also sometimes expressed as a desire to help others, drawing on their own experiences.

"Because I've got first-hand experience, I used to work the streets, I used to be homeless. I used to be on drugs, I've got mental health, you know, I've got family problems, I've been abused. So like I've got all of that first-hand experience but it's just like trying to get, do something with it" (R).

The support participants had received from intermediary organisations was also sometimes described along these lines (see section 4).

"Absolutely fantastic, they are, they make you feel welcome. They make you feel at ease, they take the pressure off you. If you don't fully understand what they're saying to you, they will take it on themselves. They'll sit there and say, I'll tell you what, just leave it with us if that's okay and we'll speak on your behalf. I'm like, do you know what, that's fantastic" (P).

Another participant described how a support worker had offered to vouch for her when she was accused of laughing and joking with friends during a telephone assessment for PIP:

"She was really shocked to read that on the actual statement it stated that I was laughing and joking with my friends. She was like, well if you just go to court I will stand up and say, well actually you weren't laughing and joking at all, it was me that was present within the conversation and I was there the whole time. She didn't have anybody else with her and you were absolutely riddled with anxiety, you were shaking out of your boots" (T).

Their reflections more specifically on engaging with legal and advice services were consistent with this, highlighting the impact of different forms of support and approaches on how people felt. One participant who had been supported with several issues by the Law Centre explained "[w]hen I have any problem, I'm going there and now some of them are like my friends in my life because I too much contact them. Sometimes we are speaking on the phone, yes, how are you, how are you doing" (D). Another participant reflected "they've been of great support to me," (L). Another commented that she felt comfortable going to the Law Centre on her own, when she struggles day-to-day to leave her home. Reflecting on a longer-term relationship with a local private solicitor, another participant said "he was really good," explaining that she could approach him anytime, "you know, if I was worried about anything" (R). A similar sense of feeling supported was also mentioned in relation to local advice services, "[i]t's really helpful because there's people, it's kind, they know how to help you. They know many different things, including benefits and some of the legal...[t]hey give lots of help, definitely" (Z).

Conclusion

This section has explored how participants perceive law and rights in relation to their circumstances, the experiences that have produced a strong sense of alienation from law and rights and how people make sense of

them, as well as the importance of having support. This helps us to understand their positions, values and motivations in depth, to allow for the design of early intervention approaches that can meet them where they are, by recognising the validity of their experiences. This includes understanding the diverse but often negative associations they have with law and rights. It points to frameworks that might be more meaningful and relevant to their experiences and help to counter the alienation they have experienced. It shows that interactions that help them to feel supported are particularly important, including when they are engaging with legal and advice services. This should form a core value when designing early intervention and public legal education strategies, as well as informing approaches to fostering person-centred services and addressing the hostile service cultures that contributed to legal alienation.

6. LEGAL CAPABILITY

Key Findings

6.1 Levels of legal knowledge including preliminary awareness to identify legal issues as well as specific rights and entitlements were very low. Some people had partial knowledge of their rights, but they did not know the processes they should use to secure them. Levels of legal knowledge influenced resolution strategies. When participants did not take any action, this was at least partially a consequence of not recognising the problem. Efforts to handle problems alone and seek help were both frustrated by limited knowledge of rights and processes. This resulted in poor outcomes including lost entitlements, food and housing insecurity, and it had negative impacts in family cases.

6.2 Clusters of legal problems meant that those who had gained sufficient knowledge in some areas and had the wherewithal to find things out described experiencing major problems with other legal problems they encountered. Levels of legal knowledge shifted according to context and status, particularly if someone experienced declining mental health or language barriers. Participants often attributed a lack of knowledge to being misinformed or having a lack of access to information about their cases, leading to mistrust and suspicion of institutions and contributing to power imbalances.

6.3 Many participants struggled with the skills needed to plan, organise and keep track of events, often due to disabilities and long-term health conditions. Common problems were associated with obtaining and submitting evidence, finding and completing forms and the administration of their benefits and finances. Participants combined a range of tactics and skills to try to tackle their problems, usually without fully understanding their rights. Some people demonstrated ingenuity and perseverance in combining negotiation skills and recording evidence to press for better outcomes. Some people struggled significantly with communication due to health or language issues. Participants often combined skills within a household.

6.4 Most participants discussed limited digital skills and confidence, often related to disabilities and long-term health conditions. Few were completely without access, but most relied entirely on mobile phones. Difficulties included typing, feeling like they were not able to do things quickly enough, composing documents, and uploading documents. Some felt 'out of practice' or simply unsure about using computers. Very few sought legal information online. Several participants relied entirely on intermediary organisations for online tasks, such as managing welfare benefits, while others depended on children or neighbours for help.

6.5 Overall attitudes toward participants' situations and law-related problems were negative and led to demoralisation, losing faith in their ability to resolve problems or not acting at all. The experience of repeated and multiple problems undermined their confidence and self-esteem, which in turn made it harder for them to tackle the problems they encountered. A significant number of people described feeling anxiety and uncertainty and were hindered in resolving their problem by fear of reprisals or punitive responses. They struggled to ask for help due to shame and fear.

6.6 Trusted intermediaries helped people to overcome these barriers and bolstered their legal capability by providing information, helping with practical tasks and building confidence to take action.

Introduction

This section considers how legal capability factored into participants' experiences of legal problems and influenced how they chose and attempted to pursue resolution strategies. Legal capability is defined as the knowledge, skills and attitudes that people require to effectively identify and deal with law-related issues.¹ Legal capability is implicated in the many life situations that require people to weigh and select options and take action in light of legal encounters - in their work, family, and consumer transactions and as part of their arrangements with local and national governments. To this extent, legal capability forms a foundational cornerstone of the rule of law.² A growing body of literature recognises that legal capability is central to the handling and resolution of legal issues and therefore offers a key to unlocking access to justice at a time of increasing scarcity of public funds and growing personalisation of service.³ It is a vital aspect of early intervention. It informs not only interventions to support individuals and communities to be able to respond better to law-related problems and engage effectively with legal

support, but it also informs the design of services themselves.⁴

The conceptualisation of legal capability and the range of capabilities that fall within its scope are not settled.⁵ Some aspects of legal capability, such as communication skills, including basic literacy, are largely generic forms of personal capability but are necessary aspects of legal capability too. Others, such as confidence in one's ability to effectively address "justiciable" problems, are particular to law.⁶ A more nuanced understanding of the multidimensional and situational character of capability in which people exhibit increased or decreased capability when a situation changes, such as the onset of a health problem has emerged in the studies.⁷ In addition to knowledge, skills and attitudinal issues, resources (for example, available time, financial and other resources to expend on problem-solving to obtain assistance or take procedural steps) have also been added to elements of legal capability.⁸ Digital skills and confidence have also become increasingly important aspects of legal capability.⁹ The dimensions of capability

¹ Sharon Collard et al., *Public Legal Education Evaluation Framework* (University of Bristol: Personal Finance Research Centre, 2011), 3-8. Christine Coumarelos et al., *Legal Australia-Wide Survey: Legal Need in Australia* (Sydney, NSW: Law and Justice Foundation of New South Wales, 2012), 29-31. Nigel J. Balmer et al., *Law... What Is It Good for?: How People See the Law, Lawyers and Courts in Australia* (Melbourne: Victoria Law Foundation, 2019). Pascoe Pleasence et al., *Reshaping Legal Assistance Services: Building on the Evidence Base* (Law and Justice Foundation of New South Wales, 2014), 123.

² Capabilities theory, which underpins conceptualisations of legal capability, explores the normative freedoms and opportunities that accompany well-being or that produce or compound poverty and disadvantage. See Amartya Sen, *Development as Freedom* (Oxford: Oxford University Press, 2001).

³ Genn's study describes "a depth of ignorance about the legal system and a widespread inability to distinguish between criminal and civil courts." Hazel Genn, *Paths to Justice: What People Do and Think about Going to Law* (Hart Publishing Ltd, 1999), 247. See also Alexy Buck, Pascoe Pleasence, and Nigel Balmer, "Do Citizens Know How to Deal with Legal Issues? Some Empirical Insights," *Journal of Social Policy* 37, no. 4 (October 2008): 661-81. PLEAS Task Force, *Developing Capable Citizens: The Role of Public Legal Education* (PLEAS Task Force, 2007). Hugh McDonald, "Assessing Access to Justice: How Much "Legal" Do People Need and How Can We Know?," *UC Irvine Law Review* 11, no. 3 (2021): 699-701.

⁴ This should entail "recognising differences and responding accordingly, in form and intensity of service, in how decisions are made and communicated, and the extent to which complementary services are to be drawn on and coordinated." Nigel J Balmer et al., *The Public Understanding of Law Survey (PULS) Volume 2: Understanding and Capability* (Melbourne: Victoria Law Foundation, 2024), 10.

⁵ See Collard et al., 'Public Legal Education Evaluation Framework'; Pascoe Pleasence and Nigel J. Balmer, "Justice & the Capability to Function in Society," *Daedalus* 148 (2019): 140-149. Recently, the OECD/ OSF guidance on legal needs surveys included questions about whether someone understood their rights and responsibilities, whether they knew where to get good information and advice about resolving the problem, whether they were able to get all the expert help needed and if they are confident they could achieve a fair outcome. See OECD/Open Society Foundations, *Legal Needs Surveys and Access to Justice* (Paris: OECD Publishing, 2019), 86.

⁶ Pleasence and Balmer, "Justice," 3.

⁷ Pleasence et al., *Reshaping*, 5.

⁸ *Ibid.*, 137

⁹ See for instance Catrina Denvir, "Online and in the Know? Public Legal Education, Young People and the Internet," *Computers & Education* 92-93 (2016): 204; Catrina Denvir, *Assisted Digital Support for Civil Justice System Users: Demand, Design and Implementation* (London: UCL Centre for Access to Justice, 2018); Naomi Creutzfeldt, "Towards a Digital Legal Consciousness?," *European Journal of Law and Technology* 12, no. 3 (2021); Catrina Denvir and Amanda Darshini Selvarajah, "Safeguarding Access to Justice in the Age of the Online Court," *The Modern Law Review* 85, no. 1 (2022): 25-68.

are interdependent and weakness in one area may well lead to weakness in another.

Legal capability also needs to be considered in a wider set of social relations. Legal needs studies point to the fact that the most vulnerable to legal problems are also the most likely to have low levels of legal capability, as well as experiencing additional barriers and having fewer resources to deal with problems. Problems in turn further exacerbate disadvantage.¹⁰ Groups that typically experience social and economic disadvantage across a wide range of indicators (e.g. lower levels of education, poor health, and fewer financial resources) tend to comprise people with lower capabilities.¹¹ For instance, socio-economic status and educational attainment are associated with lower levels of legal knowledge.¹² In addition, issues of power and status have strong implications for legal capability, as Collard et al observe: “law-related issues may bring the individual into conflict with powerful individuals or institutions, and early recognition of this will make planning and use of knowledge, skills and advice more effective.”¹³

External factors, such as rapid juridification, technological changes and reductions in legal assistance also significantly influence legal capability, often entailing the need for greater levels of knowledge and more sophisticated skills to deal with problems, with less support available.

This section contributes to the evidence base on legal capability by improving understanding of how elements of legal capability interrelate to either undermine or support people’s capacity to resolve legal problems. Legal capability emerged as situated and shifted according to context, reflecting a wider range of factors including socio-economic status, health and disability, and language as well as broader life experiences. People in the study described

substantial challenges related to legal capability, particularly with low levels of legal knowledge. However, they also demonstrated significant strengths and determination to tackle problems, applying a range of skills and tactics to move things forward and defend their interests. As the groups included in the study are commonly excluded from national surveys, the focus on legal capability is critical to designing future interventions that will reach people who are most in need of assistance at the right time and in the most effective way.

In each section, we consider elements of capability as they emerged in participants’ narratives, as well as some of the factors that shaped these capabilities, focusing specifically on knowledge, skills and attitudes. In addition, we explore how participants remedied gaps in capability, for instance by searching for information or turning to friends and neighbours, as well as how intermediaries and legal and advice services helped to bolster legal capability.

Knowledge

It is widely recognised in the study of legal need that some basic legal knowledge or awareness is a prerequisite before someone can take any effective action on an issue—whether alone or supported.¹⁴ A feature of legal characterisation is whether an individual person understands that “there are some basic legal dimensions to everyday life, including the concepts of rights and obligations, and will be able to use these to recognise and frame the law-related issues that arise in everyday life.”¹⁵ This characterisation stage has been described as a prefigurative element of legality and has significant consequences for lawyer use, influences a decision to act, and the steps to

¹⁰ McDonald, “Assessing Access to Justice,” 719.

¹¹ Pleasence et al., *Reshaping*, 123.

¹² See Catrina Denvir, Nigel Balmer, and Alexy Buck, “Informed Citizens? Knowledge of Rights and the Resolution of Civil Justice Problems,” *Journal of Social Policy* 41, no. 3 (July 2012): 591–614. Alexy Buck et al., “Empirical Insights,” 661–81.

¹³ Collard et al., *Public Legal Education Evaluation Framework*, 6.

¹⁴ Coumarelos et al., “Legal Australia-Wide Survey,” 29.

¹⁵ Collard et al., *Public Legal Education Evaluation Framework*, 5.

take.¹⁶ It can mean recognising that there is a potential legal solution and being able to find appropriate help and advice.¹⁷ Preliminary legal knowledge at least in principle helps to place a range of options and alternatives in view – whether they be to effectively search for sources of information and legal assistance or weigh up the cost benefits of going to lawyers. Further, the absence of basic knowledge may hinder effective search for wider information, since characterisation “provides cues to guide individuals in forming appropriate search keywords.”¹⁸

As noted in our discussion of legal consciousness (section 5), the vast majority of people interviewed did not readily identify their issues as legal, with mentions of law being largely reactive or partial, using fragments of legal notions rather than exhibiting clear recognition. Their views of law, in turn, tended to be negative or abstract. Most participants used non-legal frames for their issues. Other framings, including focusing on a lack of support, bad actors, morality and bad luck featured more commonly in their narratives and how they made sense of problems. Each of these conveys different and nuanced understandings emerging from their

experiences and worldviews.¹⁹ These framings also conveyed a lack of trust in services, which in turn can hinder the identification of legal issues by service providers. In addition, the orientations we encountered often aptly reflect realities such as the weakness of rights and remedies or offer up practical alternative possibilities for dealing with the problem.²⁰

It was evident that levels of legal knowledge influenced problem resolution strategies. When participants did not take any action, this was at least partially a consequence of not recognising the problem as legal. Efforts to handle problems alone and seek help were both frustrated by limited knowledge of rights and processes. Yet there was also no clear sense that having a legalistic framing or characterisation of the problem necessarily meant a greater propensity to take a particular course of action. Participants handled problems alone and sought help both with and without this framing, and for others a negative perception of law deterred action. This suggests that characterisation of problems as legal can have different effects, and the role of characterisation may depend on the forms of knowledge that someone has

¹⁶ Early sociological studies describe this locus as the point at which a situation is perceived as an ‘injurious experience’. Felstiner et al., “The Emergence and Transformation of Disputes.” When a problem is interpreted as ‘bad luck’, this links to a highly significant increase in the likelihood of doing nothing rather than seeking informal advice and a significant increase in the likelihood of doing nothing when compared to handling alone. Characterising problems as ‘moral’ tends toward more informal advice or handling alone, and characterising problems as ‘private’ tends to inaction or advice sector use rather than other forms of advice. See Pascoe Pleasence and Nigel J. Balmer, *How People Resolve ‘Legal’ Problems* (Cambridge: PPSR, Legal Services Board, 2014), 40.

¹⁷ Ibid., 31.

¹⁸ Pascoe Pleasence, Nigel Balmer, and Catrina Denvir, *How People Understand and Interact with the Law* (PPSR, 2015) 37.

¹⁹ This characterisation has been explored in legal needs surveys and findings suggest that people commonly consider their situation as ‘bad luck’ or ‘part of life’, followed by ‘moral’ rather than as a legal problem. Pascoe Pleasence et al., *Civil Justice in England and Wales: Report of Wave 1 of the English and Welsh Civil and Social Justice Panel Survey* (Legal Services Commission and Ipsos MORI, 2011), 3. Characterisation has close links to the problem type, and perceptions of conflict, but can also be heavily influenced by worldview and cultural, ethnic and religious factors, as well as social context, since “people’s perceptions of their rights and duties are learned in a social context.” J. Lewis, R. Tennant and J. Taylor, ‘Financial Arrangements on the Breakdown of Cohabitation: Influences and Disadvantage’ in eds. J. Miles and R. Probert, *Sharing Lives, Dividing Assets: An Inter-Disciplinary Study* (Oxford: Hart, 2009), 179. Previous studies have found problems that people are most likely to characterise as legal concern housing, employment and family and least common in relation to problems concerning neighbours, education, clinical negligence and consumer transactions. Pleasence et al., *How People Understand*, 85.

²⁰ Lisa Wintersteiger and Tara Mulqueen, ‘Decentering Law through Public Legal Education’, *Ōnati Socio-Legal Series* 7, no. 7 (27 March 2017): 1557–80. See also P.S.C. Lewis, “Unmet Legal Need” in eds., Pauline Morris et al., *Social Needs and Legal Action* (London: Martin Robertson, 1973).

and their experiences,²¹ as well as broader aspects of capability such as skills and confidence. More important, it seems, was whether they recognised their circumstances as ‘problematic’ at all,²² as well as whether they had any support.

For some participants, it was specifically a lack of knowledge of law that framed their negative perceptions of it. Most participants were dealing with significant power imbalances. A general view emerging from participants, noted in the discussion of legal consciousness in section 5, was that their rights were deliberately obscured, and they had unequal access to information. This, in turn, led to suspicion and mistrust. The sense that rights are arbitrary was described in a way that emphasised these underlying power imbalances, which were exacerbated by low levels of knowledge.

“because you’re not told what you can claim for. You’re not told boo for a goose. No, they don’t tell you, you can claim like, oh we can help you with electric, gas, water, food, you’re not told that. All what you’re done, you get a piece of paper, fill that in mate, give it back, boom. You don’t know what your rights are. That’s what everyone gets.” (M)

This helps to highlight why more specific, if preliminary, legal knowledge is so important. At least in principle, it helps to place a range of options and alternatives in view; knowing, as some participants described, that help might be available and how to access it.

Levels of legal knowledge across all problem types were very low and partial at best. As discussed in section 3, many of the problems

that participants experienced were unidentified, including benefits entitlements, social care entitlements and employment problems.

A significant number of participants expressed a lack of knowledge about specific rights, entitlements or processes, or raised a lack of overall knowledge of rights. Many people, for instance, expressed confusion around entitlements to welfare benefits, linked entitlements, and deductions from benefits.

“Well I get Income Support. I don’t know how they’ve worked it out, but I get about sixty-five pounds a fortnight for me because they’re taking off like overpayments and stuff that I don’t know nothing about. So I don’t have a clue what, because I swear Income Support’s not, because that’s the equivalent of about thirty-two pound fifty a week, that don’t sound right to me” (N).

In these circumstances, participants were often confused by decisions that had been made. “I couldn’t understand why they didn’t give it to me. I meet this category, these are the issues I’ve got” (A). Struggling to understand why her benefits had been stopped, another participant remarked “I don’t get it to be honest, I was quite confused about it” (ZB). Low levels of knowledge about entitlements meant that unfair reductions in benefits or sanctions that could have been challenged were not. The impact of not being able to challenge, as discussed in sections 3 and 4, was severe, often leaving them unable to make ends meet.

Partial knowledge about their benefit entitlement meant they recognised they may be entitled to help, but they then struggled with the process. For example, the following participant who had a serious autoimmune disorder, had picked up partial knowledge about PIP, and he was trying to apply this to his benefit claim. He found it particularly challenging to explain why he was entitled to PIP, especially through an online form, so both his knowledge and confidence with the digital interface served as a barrier to securing the benefit.

²¹ Contrary to the idea that law is a closed system of knowledge, legal discourse in its many facets is a mechanism through which people see the world and interpret it. See Lisa Wintersteiger, *Legal Needs, Legal Capability and the Role of Public Legal Education* (Law for Life, 2016), 26. See also David M. Trubek, “Where the Action Is: Critical Legal Studies and Empiricism,” *Stanford Law Review* 36, no. 1/2 (1984): 575–622.

²² Pleasence and Balmer, ‘Legal’ Problems, 10.

"I know when, filling in forms about claiming the PIP for me, my condition doesn't affect me all the time and trying to get that across. Somebody said, well do it on your worst day... it doesn't affect me all the time and trying to explain that I can vary from being okay to being in bed, how do you get that across when you're trying to do that online? (A).

This resulted in making multiple applications, before eventually appealing and being awarded the benefit (a process which took several years).

Knowledge was particularly low in other areas, including housing, child protection and immigration. One participant, for example, had some understanding that they are owed a duty by the Local Authority to be housed. She observed that she thought they were operating an unfair homelessness policy, requiring people to be seen rough sleeping before they could be helped, but she appeared to lack understanding about what should be happening.

"They come and find you at 4 o'clock in the morning. So that's how they find out if you're really homeless and need like emergency care. That's totally wrong I think" (R).

This lack of knowledge contributed to a long period of rough sleeping in her case. In another case, a participant did not understand the landlords' obligations to repair. She had a sense that this was linked to the fact that she was paying her rent: "Yes, because I don't even know, to tell you the truth, what's my rights. I know that I should have the things properly then because I've been paying the rent" (E). While she had complained about disrepair, she did not know how to escalate this further.

There was also confusion about fundamental distinctions between civil and criminal law. One participant was not sure whether a problem with his neighbours had been a civil or criminal matter, leading to multiple

attempts to engage police on a civil matter.

"Yes, civil matter, civil matter. Even when I contacted the police, civil matter, civil matter. Hang on a minute, this is a police matter. She's trying to get into my face, if you don't get her out of my face now I'm going to head-butt her. They said, no, it's a civil matter, it's not a police matter" (H2).

As this situation progressed, the participant's persistent misuse of police reporting resulted in a report to social services:

"But it got to a point where we had reported it to the police that much, the agents of the housing department turned round and stated that they had reported it to the social services because we were ringing the police so much. But the agents told us to ring the police because there's nothing the agents could do. So we're back and forth, back and forth with these services, with the government" (H2).

In addition, participants were often dealing with clusters of problems, potentially engaging multiple areas of rights knowledge. For instance, one disabled participant had experienced domestic abuse and had gone through a divorce. This led to a division of property assets that risked her being left without suitable accommodation. Her experience shows how difficult it can be to distinguish how different areas of law apply in complex cases.

"I know that I'm entitled to benefits and I know that I should be entitled to housing because of my medical needs, like my health and such. In theory they shouldn't be putting a disabled person out on the street, but I don't know what rights I have according to that. I didn't really know what rights I had during the whole divorce proceedings, like during my marriage and stuff like that" (J)

The situated and contextual nature of legal knowledge is aptly described by participants who reflected on their own shifting levels of capability. One participant found that it was "really easy" to apply for a debt relief order, but when it came to homelessness and domestic abuse they "had no idea like what being homeless even was, as in defined as [...] and also, what constitutes as like, you know, domestic abuse" (V). When people were dealing with multiple issues, they often did not know where to start, even if they had a sense that something wrong or unfair was happening. This was mentioned by several trusted intermediaries: "they don't know how to, which department, they don't know how to go there and solve the problem, you know, so they're lost" (Carriers of Hope). Several people expressed bewilderment at the complexity of their situation or fear of the unknown implications of their situation. One described this experience as "quite scary sometimes, especially when you don't know your rights and you can't find out what you can and can't do" (A).

As the examples above show, levels of knowledge had specific consequences for the problem resolution strategies that people attempted. Limited knowledge could lead to inaction through not recognising the problem, or frustrated attempts to deal with it when rights and processes were not known. Knowledge also influenced experiences of accessing help. Uncertainty about rights led to uncertainty as to what sort of legal help could be accessed, and many participants did not know where to get help (discussed in section 4).

"I feel like I don't know what my legal rights are. I don't know much about the law. I know that I'm entitled to benefits and I know that I should be entitled to housing because of my medical needs, like my health and such...would I be able to get help at the Law Centre to sort out my housing crisis?" (J).

They commonly expressed a lack of knowledge about who to turn to for information or advice. "I don't know about legal rights or what to do or where to go" (E). They were sometimes unclear about the different actors in their situation, even if they had accessed help. For instance, one

participant confused Citizen, the local housing provider, with Citizens Advice, likely due to a language barrier. Another referred to the Law Centre as "some company" (Q).

Not knowing where to go for support or information also meant that people acted (or failed to act) based on misinformation. Reliable information can be difficult to find, and intermediaries stressed that the availability of good information somewhere online does not mean that people can find it or know that it is relevant. In a limited number of instances, participants had sought out information that would help them understand their rights and used this to good effect. For instance, some tried to triangulate what they were told using a variety of internet searches including for information related to policies (F). However, there were examples where the information search simply didn't occur to them or was limited in such a way that a query may not elicit the full picture. One asylum seeker described never having attempted to search for information, despite being destitute after living for many years without recourse to public funds. There were also challenges in assessing the independence of information, for instance, several people described going to the Job Centre or ringing up Universal Credit, rather than seeking out other sources.

Institutional actors contributed to information asymmetries by providing partial or inaccurate information or delays in their response (discussed in section 3). Lack of knowledge was often caused by a lack of communication about their case, and distrust and suspicion of institutions were aroused as people felt information was being withheld, leading to increased feelings of uncertainty and being in the dark. This arose in relation to homelessness, for instance. One participant reflected that "[i]t felt like I was literally walking in a fog. Like I didn't have a clue what was going on. The whole time I was like, week by week I had no call, no text, no nothing" (T). Another noted, "temporary accommodation, there was barely any communication" (V). This was also a feature of cases in which children had been removed, "...but I don't know what's going to happen, I don't think they're going to come back home. I think they're going to stay now until whatever age they're allowed to come back home" (W). Even participants who had received some legal advice and assistance continued to

struggle to understand what was happening within a process or why matters had progressed in the way they had. Among asylum seekers and others involved in immigration issues, the lack of communication was a key feature of their experience.

"That one is the thing that is troubling me now. I sent my case, it seems like they're doing nothing [...] I'm just waiting for [my lawyer] to tell me what is next" (X).

They were entirely dependent on the Home Office and their lawyers to give them any information about their case, often waiting for months with no expected timeframe. The uncertainty and prolonged waiting times, the severity of the consequences of an adverse outcome, could also lead to feeling like they could not press for more information in case it leads to a worse outcome:

"...they make the wrong decision...Yes, if I tell you I understand then I am a liar, I don't. All I know is that they've been notified about my health condition and how I need my rights to apply for certain things, but nothing yet" (L)

Knowledge gaps were sometimes remedied by trusted intermediaries, as noted in section 4, trusted intermediaries had played a key role in identifying legal problems. In the following example, the importance of intermediary presence in co-located services (in this instance maternity services) was a way of ameliorating linguistic and cultural barriers that contributed to low awareness of support in her local Indian community:

"Not many people know what help and what support is out there. Had I not gone to the surgery I feel that I would have probably got more depressed and stayed at home. And because of the lack of communication, we as a community, even like there's women here, my neighbours, we have no clue what help and what support we have there" (B).

There were also many examples of trusted intermediaries helping to increase awareness of rights. One participant described how he was initially very reluctant to apply for Universal Credit because of rumours he heard about it, even though he and his wife were living in extreme financial hardship.

"Yes, I didn't really want to do it because I heard that many rumours about, saying, oh universal credit, they're a fucking pain in the arse. They promise you that, they promise you that, and you don't get it. I mean it was like [community member], he's having problems, like with these sick notes you've got to have all the time" (M).

He was eventually convinced to apply by a trusted intermediary organisation. They helped him to understand what he was entitled to and how to get it, rather than just the difficulties he had heard about. He reflected on the role they play in helping people know their rights: "[i]t's like we get people here who didn't even know about it. They still don't know what their rights are until they see like Support Worker" (M). Co-located advice services were also seen as an important source of knowledge.

"Yes, she has so much knowledge and I guess I will get her to look into it for me, to find out why this money is taken off and what's it for and stuff, because I don't have a clue. It would be nice to know where it's going to" (N)

Another participant found the opportunity provided by an intermediary organisation to “trade community knowledge” was particularly important (V).

The overall picture that emerges accords with previous studies, that levels of knowledge of rights and legal processes among participants were very low and partial at best. This didn’t appear to fully determine resolution strategies, particularly because participants sometimes had support to remedy knowledge gaps when they took action. However, it contributed to inaction and hindered access to legal advice, leading to poor outcomes including loss of income and worsening housing and familial situations. Low levels of legal knowledge also contributed to power imbalances and mistrust in services. Intermediaries provided a vital bridge where trust and levels of knowledge were an issue.

Skills

This section considers the skills element of legal capability. Specific skills issues were mentioned in the majority of interviews. This includes a range of areas, from the management of everyday finances and bills, as well as organisational skills like keeping records and organising evidence, or keeping track of names and events. Negotiation, communication and interpersonal skills, such as being able to express views and wishes, while at the same time listening to and understanding other actors and the opinions of others, are also important. We considered whether participants appeared to be able to assess their position and assert themselves, make choices, weigh options, plan their actions and follow through. We considered structural issues including how they tackled digital processes. We also considered evidence from trusted intermediaries as they described some groups as experiencing problems in relation to skills.

Day-to-day management and form-filling

For many participants, their accounts of skills were closely related to their experiences of mental illness and disability, as well as wider life experiences. For some, planning ahead or managing administrative aspects of their lives presented a significant difficulty. One participant with a long-term mental illness

explained how he had never really done much planning:

“My jobs were like stop gaps really, a little bit of money for Christmas, and I’ve never really put down a work career path and a plan. I haven’t planned anything, I’m just like the family dog, just get in the car and go. I don’t plan for anything” (O).

Difficulties with day-to-day financial management were also frequently mentioned. Another participant, a care leaver, explained, “I’ve never paid a bill, I’m not going to lie. I don’t understand the whole pay a bill thing. I am kind of learning now, I’m not going to lie, it is a hard struggle” (Q). She attributed this difficulty directly to her experience in care. “They didn’t tell me how to pay a bill. I know it seems simple but when you have got problems it does affect your learning difficulties” (Q).

Struggling to be organised and managing budgets was given as a specific reason for falling into debt. In the following case, the participant struggled with financial planning and managing payments. While she sought to manage the problem by setting up direct debits, difficulties could quickly emerge and compound when the direct debit stopped.

“I’ve got a gas shower in there, whoever the tenants were before they put a gas shower in and if I’ve got no gas I’ve got no shower. And nine times out of ten, I’m useless with money, I don’t even pay my bills. I’m one of them that when I get money I have to spend it and it doesn’t normally go on bills. I like to do it direct debit, that’s how they were doing it years ago, but then all of a sudden they stopped doing it” (P).

In addition to challenges with day-to-day financial management, it was common for a change in circumstances to push people into a range of processes and bureaucracies that were often complex and convoluted, particularly the benefits system: “Life’s a struggle at the minute but going onto benefits, you know, you fill out the forms, you’ve got to send the forms in and then, you

know, you've got to get all your bank statements (T). This participant described how having PTSD and memory problems made it difficult to remember past addresses.

"...when it comes down to jobs and stuff like that, having to put your addresses down for DBS's [Disclosure and Barring Service checks], I can't even remember the dates or anything and it's an absolute nightmare. It puts me off applying for places because it's just too many addresses for me to remember and too many bad memories with them addresses" (T).

Finding, completing and submitting forms was raised frequently as an aspect of capability that people struggled with. One participant with a learning disability explained that she was told to apply for PIP "but I've never, I don't know how to get the forms" (W). A support worker was meant to help her find them but had not done so yet.

It was rare that participants had successfully been able to complete benefits applications on their own, even if they had identified their eligibility on their own. One participant who showed a high level of capability in terms of finding and discerning relevant information had used Reddit to find out how to fill out the PIP form (and was awarded the benefit without needing to appeal), but he still needed practical help with the form itself.

"Because I had to get extensions, because of my ADHD as well, I literally sat down with Support Worker to fill out the booklet. Like Support Worker literally wrote down the booklet for me, my answers, because I struggle writing and, you know, organising my thoughts" (V).

Even those with higher levels of education described struggling with benefits forms and stressed the importance of having help:

"I'm not very good at filling out these big daunting questionnaires. And they [advisors] ask me about my difficulties and then they write it down in proper words that the benefits people want to see, like keywords. They're just keywords and all that sort of stuff. ... even though I'm like well-educated and stuff, all my education was in sciences. So I'm not too good with like practical stuff" (J).

Organising evidence

Collecting and organising evidence was commonly raised by participants. Some described an impressive variety of ways in which they maintained records and stayed organised as well as different methods of compiling evidence, such as taking photos. They used the evidence they collected to support their claims, for instance in relation to housing disrepair: "I was not happy with the service and it's still leaking on the floor, [so I] took pictures, explained them" (E). In many cases, participants faced difficulties related to obtaining, producing and keeping track of evidence. This led to an escalation of problems, including mounting debts and loss of basic amenities. Specific references related to providing relevant evidence about circumstances including their identity and immigration status, financial circumstances, health and living arrangements; all vital to securing basic entitlements or assistance from the state, as well as triggering a range of other protections.

Evidential requests were sometimes confusing and difficult to comply with, as one participant described in relation to citizenship applications for her children: "I got three kids, how do I separate the document? And they also need you to send the original, we cannot send another copy, it's not enough" (Z). Circumstances such as homelessness could also make it challenging to collect evidence, particularly without access to a printer:

"Oh that's so shit. Being homeless, not having access to a printer or scanner, applying for PIP is all paperwork. Literally like having to submit stacks of documents, having to handwrite. Applying for a driving licence, like sending in, I had to go to the Job Centre to scan my passport to send it to PIP for identity verification. Like GP, you know, when they ask for proof of address and people needing so much bank statements. Like even [homelessness] assessments, like having these to show, literally every single, pretty much in accessing all this help so much of it was paperwork. Like Universal Credit was kind of good because it was an online application but then I still have to go and do identity check, I had to show them all the paper copies still...I would have to organise in advance. Like what documents, I had to like print a list so that when I have access to a printer I can do it all at once. And like also deed poll, like my name changes and stuff and updating, like I have to submit that everywhere" (V).

The difficulties they faced were often related to disabilities and health conditions, in many cases exacerbated by poor administration of services. For instance, the following participant suffered from memory problems, which meant that repeated requests to produce bank statements were problematic.

"It's absolutely freezing. I've got no carpet in any room at all. These have got a carpet, so these got a carpet for my living room and bedroom but I've got to bring a bank statement in to prove that I'm on benefits, which they've had bank statements god knows how many times. And literally, I keep forgetting to go to the bank" (P).

Another participant with a severe mental illness described using all of his limited energy to comply with evidentiary requests,

only to not have his evidence accepted.

"I mean at the time the old medication, it took me all my energy, courage just to go out the door and to go downtown with the documentation and everything. It was just overwhelming and then you're met with, oh I've got the evidence there and you're not accepting it, what do I do? I mean I need the money to pay the rent and the council tax because I'm not earning enough to cover it" (O).

This theme was echoed by another participant who was required to produce ever greater levels of evidence to his employer when he became ill. Describing the period when his health was declining, he explained:

"I had all the supporting evidence. I phoned in, I mean procedure obviously, phoned in every day and email every day. I went to the hospital at one stage and I emailed my boss and I was sending him pictures of my medication that the doctor gave me. The doctor wrote me, where it says in the comments about your condition, what have you got, he actually wrote a sort of few more comments a bit more in-depth about my condition and the reoccurrence of obviously what I had, and they still didn't believe me" (K).

His employer declined to provide contractual sick pay, and he was placed on Statutory Sick Pay instead and eventually dismissed. He was still in the process of challenging the employer's decision by himself.

In several cases, requests for evidence were not properly made or the same evidence was requested multiple times. For instance, one participant was struggling with lost income due to a failure by the DWP to request evidence.

"...this is the problem I've got, I've filled out everything that you've asked for, I've given you all the evidence that you want but you're saying that I haven't given you something, and I think it was a sick note, and because of that I can't get all the benefits. I said, there's nowhere that you've asked me to bring in the sick note from a couple of months ago, because this went on for months" (A).

This was especially challenging coupled with his own memory problems related to his autoimmune condition.

Communication and negotiation

Communication and negotiation skills were frequently discussed by participants. They referred to a range of negotiation styles, using evidence they had recorded to challenge a decision in person, or calling repeatedly to resolve a situation. Some felt that they had strong communication skills, "I'm quite good on the phone, you know, I was in customer service for twenty years, so I can argue, pardon my French, I can argue the toss, you know, with anyone" (K). There were examples of participants deploying different forms of communication to secure contact with the other party (for example, when telephones were not answered), or escalating disputes to a more senior person to resolve a problem.

"I mean I had a word with the main boss, I said, well I don't want to talk to, can you get a proper supervisor, I want your main boss. I had words with him and he said, right, we're putting you on emergency payment." (M).

Some participants explored negotiation tactics directly as tools to encourage settlement of the problem.

"I told her, see, you're my neighbour, I don't have any problem with you, but your kids [referring to the neighbour's dogs] is coming every day to my garden. And I contact [Local Housing Provider 2], they told me, call this number, they will take your dog, and because I love you I don't want to do that, so please solve these things. She said, thank you, thank you, you told me" (F).

Others referred specifically to communicating calmly rather than shouting and encouraging attendance by parties that had been unwilling to attend to the dispute, for example by encouraging a housing officer to make home visits.

However, many participants struggled with communication and negotiation skills. They described attempts to negotiate that lacked sufficient knowledge or wider skills to secure improved outcomes, and legal capability emerged as situated and shifted according to changing contexts. This was particularly relevant for those whose health conditions fluctuated, which had an impact on their ability to communicate.

"They didn't give me a chance, they didn't, okay they listened to me if you like but I was on my own. I could have brought my partner with me. It turns out that I can now take someone to the meeting. If I'd have known what I know now I'd have took someone with me to the first meeting. Because that wasn't a welfare and well-being meeting and about supporting me to get back into work. They knew what they were doing. They bombarded me with questions. I wasn't in the right state of mind, you know, my physical health was shot. So they were just trying to sort of I suppose, you know, play mind games with me" (K).

Others, as discussed in section 4, struggled to remain calm and recounted losing their tempers when trying to deal with problems. Young care leavers in particular were described as struggling to remain calm. "In accommodation we incur damage as well and that's usually when it's [...] frustration of some sort" (St Basils).

Participants often demonstrated resolute perseverance in trying to sort out problems. Themes of perseverance and repetition of tasks were relatively common for people who were handling things alone and sometimes led to successful if delayed outcomes. Perseverance sometimes won out by contacting the other party over and over again, as one participant described when dealing with unsuitable accommodation: "I tried with them. I speak with them two times, three times until they change it for me" (D). For others, their attempts at combining evidence-gathering with repeated contacts were less successful.

Participants turned to various sources of support to help them when they struggled with particular skills. In several cases, participants described combining efforts within a household to make up for skills deficits. For example, one couple described the division of labour for dealing with their issues as follows: "I do it all myself because I'm dyslexic, you know, she does all the writing, I do everything on the computer" (H2). Intermediaries also played a significant role for some people (as discussed in section 3), supporting people with communication, gathering evidence and staying organised. While in general, this support was regarded positively, it is important to note that this sort of reliance could also be a source of frustration. In one case of someone escaping domestic abuse, the participant describes the frustration of moving from reliance on one person (the perpetrator) to reliance on the support group:

"Other situations, yes, they do the phone calls because I'll sit there, I get stressed, you know, they wind me up or I don't understand it. I get frustrated... It's just annoying... It's just bring your bills in, do this. I'm thinking, I don't remember everything. It stresses me out, I annoy myself, I hate myself for doing it. But it can't, you know, I'm now on my own, I've got no one to remind me or nothing, because he used to do it all, well apart from pay the bills. He'd explain things to me if I got the phone calls and things like that" (P).

The overall picture that emerged in relation to skills was a range of systems and processes

that are ill-suited to the needs of the people who are seeking to use them, particularly those with a range of disadvantages. People tackled the requirements for evidence, applications and formalities with a range of tactics, but were often thwarted by poorly functioning systems and a lack of understanding of the challenges that people encountered.

Digital skills and confidence

Digital skills and confidence are an increasingly important aspect of legal capability. While it is important not to conflate the two, engaging with legal and administrative processes increasingly requires at least a basic level of digital capability, and levels of digital skills have an impact on wider perceptions of law and accessibility of lawyers.²³ Most participants (as noted in section 3) faced barriers related to digital technology, and these barriers figured in their experience of legal problems, sometimes contributing to problems and exacerbating alienation (section 5). Their relationships with digital technology were closely related to financial circumstances, with cost as a clear barrier. Other characteristics such as age or disability, language barriers and circumstances such as homelessness also influenced how participants related to and used technology and highlighted the intersectional nature of experiences.²⁴ While there were many challenges related to digital capability, the overall picture was more mixed, with skill levels and confidence that varied by activity and a clear preference for digital in some instances.²⁵

²³ Nigel J. Balmer et al., "Law... What Is It Good for?," 41. The study includes digital literacy as part of its legal capability framework.

²⁴ "...far from being an issue connected solely with individuals' own personal circumstances, motivations or skill levels, digital exclusion is firmly embedded in structural inequality." Hannah Holmes and Gemma Burgess, "Digital Exclusion and Poverty in the UK: How Structural Inequality Shapes Experiences of Getting Online," *Digital Geography and Society* 3 (2022): 1.

²⁵ This echoes other research that has highlighted a much more nuanced picture than one of access or exclusion. See for instance, Linda Mulcahy and Anna Tsalapatanis, "Exclusion in the Interests of Inclusion: Who Should Stay Offline in the Emerging World of Online Justice?," *Journal of Social Welfare and Family Law* 44, no. 4 (2022): 455-76.

It was rare that participants completely lacked digital skills or access to technology. However, older participants were less comfortable with the use of technology, or might not have used it much at all.

"[...] we're not on the internet because I can't afford internet, well we weren't even, because our age, we didn't have laptops and computers in them days at school, so I wouldn't have a clue. I know how to turn them on and put the passwords in, that's about it" (M).

This discomfort and lack of familiarity was not limited to older people. Others expressed a more general aversion related to having limited skills.

"Don't even give me a computer, I wouldn't know how to, I'm just about using my phone. I haven't even got the internet on my phone, I have nothing like that. No social media, no nothing, because I don't understand them" (P).

Intermediaries drew attention to how challenging it could be for someone to navigate systems without digital skills, giving the example of someone who tried to apply for Universal Credit.

"A case I've just done recently with Universal Credit, they have absolutely no internet, they have no access to internet at all. So their Universal Credit claim was quite difficult, to actually get Universal Credit to understand it had to be a telephone arrangement, do you know what I mean? And even going to the Job Centre with them specifically to take their documents because they had no way of uploading, even when we went there and it was all arranged, they were still asked why they were there doing it that way and not doing it, we'd already had that conversation three times that week with somebody else" (Feeding Coventry).

While they were eventually able to claim, they needed ongoing support to manage it.

Amongst the majority of participants who did have some access and made use of digital technology day-to-day, levels of skills and confidence varied. It was common for participants to express an initial sense of confidence with digital technology: "I wouldn't say I'm a wizard, okay, but tech, I know what I'm doing" (H2). While some were very digitally capable, even having professional IT skills in a few cases, for most this confidence was limited to particular activities. Most participants expressed comfort with a range of basic skills and described a variety of activities they do online, including shopping, social media, playing games, watching videos and personal research. However, only a few participants discussed more complex online tasks like paying bills, and very few sought legal information online. Many went on to describe difficulties with more complex tasks, problem-solving and more limited confidence. Several participants, for instance, described simply not knowing what to do when it comes to computers.

"I can't do computers, I don't have a Facebook profile, nothing. I don't like technology. I have a phone, I don't even know what to do with it. I just take pictures and play games, I don't know what to do. Pen and paper, I'm away with the fairies, you know" (H1).

Another participant described himself as "thirty per cent savvy with IT," explaining how he could "scan in a document and send it via email just about" (O).

The main skills issues mentioned were difficulty with email, difficulties with typing, feeling like they weren't able to do things quickly enough, composing documents, and uploading documents. More than half exclusively or primarily accessed the internet through a mobile phone.²⁶ While most of these participants described feeling

²⁶ For an account of how types of usage vary by mode of access, see Bianca Reisdorf et al., "Mobile Phones Will Not Eliminate Digital and Social Divides: How Variation in Internet Activities Mediates the Relationship Between Type of Internet Access and Local Social Capital in Detroit," *Social Science Computer Review* 40, no. 2 (2022): 288-308.

comfortable using their phones to access the internet, some mentioned specific challenges arising from being limited to a phone. These included, for example, text editing and signing documents.

"The only bad thing really is do you know when I get emails come through and I have to edit them. You can't really do that on your phone because like, I can't really explain it. Like do you know say when you sit on a computer, if you've got like say a letter through that you have to fill out, you can edit on the emails, can't you, and just do it that way through Microsoft. When obviously you can't do that on your phone" (ZB).

Some described difficulties with managing passwords and web addresses, and secure identification processes, sometimes using digital tools to help keep track of key details.

"Because if I haven't left it set up in Google Chrome on Windows it wouldn't, I'd have to type it all in again and I forget the web address. I have to search for it again and then, it's lucky Google saves your passwords" (O).

A small number of participants mentioned more practical challenges around variable connectivity and breaking or losing equipment, or not having the appropriate equipment for a particular task (e.g. video conferencing, printing and scanning).

Participants also recounted disability-related challenges with digital technology, including, for instance, physical limitations on the ability to type.

"[...] I don't type like normal people as well because of my hands. Sometimes I cannot even type at all... so once again I have to depend on my daughter to help me out sometimes" (E).

Another participant described how he would sometimes not respond to emails, which he linked to his neurodivergence.

"I do read them, the problem is sometimes I'll end up sitting on responding to them because I'm not quite sure exactly how to respond [...]. If I see something interesting I'll go chasing that instead" (ZD1).

In another instance, digital was described as a barrier in the context of complex PTSD.

"Yes, sometimes it can be a big barrier because if I get lost with at least one thing I'd give up and I have such a bad attitude. I don't mean to be like that, I think it's part of my like condition. It's like I know that I'm twenty four but I just don't have the brain for technology. Sometimes even accessing things like Skype and Zoom can be a challenge. I mean it's alright if someone sends me a link and that's all I have to do. But if I have to go online and go onto portals and click onto links and find the home page, I just get lost, I really do. I need somebody to be there and show me how to do things at least three times and then I'm comfortable. I'm just out of practice, just massively out of practice" (T).

At the same time, this participant found it helpful when she could, for instance, request repeat prescriptions using the NHS app, minimising potentially triggering encounters. This highlights how relationships with digital technology are nuanced and often depend on the circumstances.

"Yes, it would be great if I could just text them. My support worker showed me this NHS app, which I thought was fantastic. I can request my repeat prescription off there, which is great, however, I find it triggering sometimes to go and pick up my prescription" (T).

As this example suggests, digital technology could be more accommodating for some physical and mental health conditions. One participant preferred digital because of his dyslexia.

"So someone can put a laptop in front of me or put a computer in front of me, you know, I know exactly what I'm doing. [...] I do it all myself because I'm dyslexic, you know, she does all the writing, I do everything on the computer" (H2).

In another case, a participant described a clear preference for digital due to social anxiety.

"I'd rather use digital stuff than actually going face to face. Oh really, okay. [...] My social anxiety and I just think people judge you too quick. So the world's against me before I've even gave them chance kind of thing. My phone's my life, my phone's my escape, whether it's gambling, whether it's Facebook, whether it's to make a call, my phone's my life." (Q).

Digital was also preferred when access to physical documents and a printer was limited due to homelessness.

"Like Universal [Credit] was kind of good because it was an online application but then I still have to go and do identity check, I had to show them all the paper copies still. It's so messed up, like why are they still making everything be paper? Because then obviously you literally don't have access to that and like printing. Printing is expensive, like library, you have to pay per page and stuff" (V).

Several participants mentioned using the library, local organisations, family and neighbours to access the internet as well as for specific tasks like scanning and uploading documents, and printing. Several participants relied on devices they had been given by local charities. They also relied on neighbours and friends to help them with digital tasks and form-filling, and intermediaries helped to facilitate digital access.

Attitudes

Legal needs literature emphasises 'attitudinal factors' as a dimension of legal capability. Knowledge and skills alone can be insufficient if someone feels unable to act on what they know, or if they are so demoralised that they lose the ability to express their needs.²⁷ In particular, confidence is a crucial aspect of resolving legal issues. Attitudes, like knowledge and skills, shift according to context. Participants reflected on how they felt while they were dealing with problems, and compared this to their current perspective, offering insightful observations about their own attitudes. For example, some people who handled problems themselves for instance described confidence in doing things alone (as discussed in section 4). Those who did not take any action described conflict aversion, exhaustion or a sense of resignation. There is also a strong link for some people between legal consciousness and the attitudes they brought to dealing with problems.

As we saw above, several participants exhibited substantial perseverance, repeatedly contacting services, going back to services for clarifications or further evidence, determined to see the matter through. Several participants related this to their personal characteristics: "I told you, I solved this housing problem because of my personality" (F). Another participant expressed appreciation for her own strength, despite undergoing treatment for terminal cancer: "I've endured a lot. I think it's the strength I should be thankful for because this strength is massive" (L). This sense of determination was often linked to the need to continue to provide for their families: "I'm not going to die and leave my children not settled. No, I will not let myself go through that path" (L). Or, as another participant described, "I mean at the end of the day I've got to provide for my partner and the dog

²⁷ This was first considered in the context of legal empowerment. See Martin Gramatikov and Robert B. Porter, "Yes, I Can: Subjective Legal Empowerment," *Georgetown Journal on Poverty Law & Policy* 18, no. 2 (2011): 169-200. It was subsequently introduced into the Civil and Social Justice Survey of England and Wales in 2012. See Pascoe Pleasence, Nigel J Balmer, and Rebecca L. Sandefur, *Paths to Justice: A Past, Present and Future Roadmap* (London: UCL Centre for Empirical Legal Studies, 2013), 38.

and the cats, you know, and provide a roof over our heads" (K). In other instances, this was described as a learned self-reliance, as one participant explained regarding her own apparent confidence: "Yes, I've had to learn to though. I've had to do things on my own" (N).

This was common amongst people who had handled problems alone, as well as those who had sought help. They described a desire not to give up, "...I won't give up, I'm a fighter," (K) that helped them to persevere through frustration. Often in making these assertions, participants were wrestling with the prospect of demoralisation. While on the one hand (L) thought her circumstances were a matter of fate, she quickly added:

"fate cannot do that to my two children [...]. But just for the kids, I fought so hard to stay here and have them, I can't just leave them to be miserable after all these years. Did you see the reason why mummy did all this?" (L).

This determination was also expressed as a need or desire to take control of their circumstances, even if this meant accepting poor outcomes.

"So you can make your house like heaven because you don't have other situations. Even you have to live in a house like this and cry every day and say, my house is bad, my house is bad, my house is bad, you have another choice. So I said this, in the meanwhile make it good place and live in it" (F).

For another participant, it was a matter of believing in himself and focusing on the positives, which was linked to his religious framing of the problems he had experienced.

"So believe in yourself and don't look for others, find your own way and go this way step after step. Then every day things will go better. Focus on the good things, don't focus on the bad things because if you focus on the bad things you will only get depressed" (ZE).

These attitudes helped participants to persevere through very challenging circumstances and protracted struggles, even if they were hindered in other aspects of legal capability.

However, a sense of giving up or of resignation emerged frequently. The way that participants had been treated (discussed in section 5), including often having their personal integrity called into question, as well as feeling depersonalised and dehumanised, also impacted their attitudes toward dealing with problems. For instance, one participant recognised that he was being discriminated against, but he was too exhausted to do anything about it, emphasizing this repeatedly throughout the interview.

"And we've had to fight for it and this just feels like another fight for me. And sometimes I just feel like I haven't got the energy anymore to do it, you know" (ZD2).

Protracted struggles to deal with problems also took a toll on motivation.

"You see I could start ringing them again and hounding them but as I say, then I know I'm going to get, I probably will start ringing them again at the end of the week because I should. You just kind of let go of that because they just get you down in the end. It gets you so down you just can't face it" (ZG).

The systems they had to deal with often made them feel actively bullied and victimised, made them question themselves, and seemed deliberately intended to cause a loss of self-worth.

In addition, trying and failing to get help hurt motivation, leading people to give up. A young migrant who had overstayed a visa was looking after her young child and was pregnant and homeless. She recounted speaking to many people, including the Local Authority, in an effort to find help. She had

given up, explaining that she preferred to focus on giving birth.

"Now I just want to stay and see if I can deliver peacefully because the stress going from here to here, it was too much [...]. I just want to stay back and let me see, if I can see any way I will manage after giving birth, I'll know what next to do" (ZF).

Alongside resignation, participants also described stress and anxiety as part of their experience of problems. The confusion that participants experienced due to lack of knowledge could lead to more protracted uncertainty and stress, as one participant who was dealing with homelessness, debt and welfare benefits issues pointed out:

"I did not have any answers and I was so...confused is an understatement. I was so overwhelmed it was like a whirlwind for months I had this one friend who has just been listening to me just stress. Like whenever I met up with friends I would like, there's nothing on my mind except survival, I need to sort this and this. I didn't even know until two months later that [local organisation] wasn't just going to kick me out" (V).

Participants also expressed anxiety due to having had the same problem repeatedly occur:

"I dread looking at my phone when my phone rings because the minute I see the word school on it, I just automatically assume it's going to be something bad. He's been permanently excluded from about three schools" (N).

In other instances, anxiety was linked to mental health conditions and made them apprehensive about practical tasks like making phone calls. This could deter or delay them from taking action, even when they had a good understanding of the problem and how to sort it out.

"I also need to change my benefits around because I currently receive ESA but I am in award of incapacity style benefit. But I just haven't had the time to even, I have a lot of anxiety of picking up the phone and making phone calls. So it's just a case of, you know, getting it all sorted" (T).

Attitudes toward problems were also linked to socioeconomic status and wider life experiences. Care leavers, as one intermediary described, were particularly prone to difficulties because they had not gained skills and confidence through familial ties. This was compounded by the legacy of childhood trauma and ageing out of support services at the age of eighteen, which was experienced as profoundly destabilising.

"And then they're dumped here, the fact it's their eighteenth birthday doesn't even go down well, they are, you want rid of me on this day because I cost you. So, they come here with a really bad attitude because they think that we're part of their system [...] you're taking us because they don't want us. So, from day one really you're on the back foot because they don't want to be here" (St Basils).

They described how this manifested as avoidance for some:

"I find some avoid us. So if they know they're in, they're kind of slipping into arrears if there's a problem going on, they will just avoid you, some of them...[p]ut your head in the sand and just like, I'm fine, or just completely not actually answer your messages" (St Basils).

For one participant who had been in the care system, the failure of systems to provide support served as both a root cause and attitude toward the problem, which led to her deciding not to act.

"With the funeral, I haven't still paid because I just feel like, you failed me as a kid, so fuck you, that's my attitude. The local authority failed me growing up, you know, they gave me money and told me basically, fuck off, get on with your life"(Q).

Migrants and asylum seekers also faced particular issues. This emerged where problems were linked to participants' status, for example feeling treated differently as a foreigner, or perceiving an expectation that having fled persecution, they should be grateful, regardless of the outcome. In addition, while migrants and asylum seekers sometimes had sophisticated skill sets (some people were professionals coming to the UK as asylum seekers), this did not necessarily mean people were coping well and gaining confidence that they could resolve problems.

"We have people who have got great skills, you know, these are doctors and nurses and solicitors and carpenters, they can't work. And that, if a person doesn't have a sense of purpose, a sense of worth" (Carriers of Hope).

Language and cultural barriers also contributed to a lack of confidence.

"Yes. I think I really, not enough confident actually but it's my problem. [...] Because normally, if you're asking me, my friend, I'm normally just Chinese around Coventry. Most often you can talk and also I'm not going out to work, different place, for example, supermarket, whatever, just improve your English skill. Most often still in the Chinese community. So, yes, not enough" (Z)

There was also a fear of repercussions if they spoke up or took action. This was related to a range of different types of problems, including immigration:

"And sometimes even people are stressed to put the pressure on the Home Office because they have the experience of saying like, oh maybe if we put too much pressure they will just-[...] Yes, there's a kind of culture, it can make people quite fearful" (L).

This fear extended to their ability to ask for help: "they're very fearful when you start asking questions. They think that they're going to be arrested and sent home." (Carriers of Hope). This fear was not unfounded, as trusted intermediaries also described how refugees experienced retaliation if they did complain – for example about unfit accommodation: "a lot, you know, people get evicted, you know, if they complain too much they get evicted" (Carriers of Hope). The fear of repercussions was not limited to migrants and many participants expressed apprehension about taking action.

More generally, participants also frequently described aversions to seeking help, sometimes compounded by dismissive and hostile attitudes:

"I don't like to ask for help and when people make you feel like you shouldn't be asking it's even more harder" (E).

Shame, for instance in the context of domestic abuse, could also lead someone not to share their experiences: "I didn't disclose anything about what was happening, I was too ashamed" (J).

In some instances, accessing help from various sources had helped them to build confidence, or work through anxiety. One participant described needing to make phone calls with someone, "Yes, sometimes I have like anxiety, if I'm not sure about something I'll have to do it with somebody, or making phone calls and stuff like that, that's a bit frightening" (ZC). The ability to ask for and receive help was something several participants took from their experiences. Reflecting on her strong sense of independence, one person remarked: "Literally independency, literally that's what it

is. I've learnt to ask for a bit more help when needed but other than that, no, I'll do it on my own" (Q). Another participant recounted how learning to ask for help early was an important part of building resilience for the future.

"This is years, I'm twenty-three, I have been self-destructing since eighteen. I needed a lot of, this has been, people in my life have been training me to ask for help, until you are at rock bottom to ask for help. People were like, no, you're going to reach out, you're going to talk to us before things get worse" (V).

As suggested in section 4, intermediaries had made a significant difference for some participants in terms of building their confidence and enabling them to feel like they could take action, sometimes over very long periods of time.

Conclusion

This section has considered how the main elements of legal capability, including knowledge, skills, and attitudes emerge, overlap and reinforce each other in people's experiences of law-related problems. Lack of knowledge and awareness of legal rights resulted in poor recognition of legal problems. A lack of knowledge in particular impacted problem resolution strategies, but it did not entirely determine how people responded. While most people struggled to recognise or articulate legal issues, this did not always mean they sought no assistance. Nonetheless, inaction was a common response. Lack of knowledge was often caused by misinformation or a lack of access to information about their cases. Distrust and suspicion of institutions were exacerbated as people felt information was being withheld, leading to increased feelings of uncertainty and being in the dark. Lack of knowledge reinforced underlying power imbalances and shaped participants' legal consciousness by contributing to senses of meaninglessness, powerlessness, and isolation.

Most participants also struggled with skills, often due to disabilities and long-term health conditions that made it difficult to manage day-to-day finances and plan ahead, engage

with digital technology, or communicate. They struggled to navigate complex processes and bureaucracies that commonly feature in their experience of law-related problems and to fill out relevant forms, needing support even when they were generally more capable. While some participants organised and utilised evidence well, others struggled, and difficulties were compounded by maladministration and repeated requests for evidence. A lack of service sensitivity to their needs often compounded issues with skills.

Some participants described feeling confident, and many brought substantial perseverance and resilience to dealing with the problems they faced. However, demoralisation often won out after protracted struggles to deal with problems. Attitudes were also shaped by wider life experience and socio-economic status, and groups such as care leavers or migrants had specific experiences. Anxiety was common and could deter taking action. Uncertainty reduced opportunities, meaning some people, for instance, felt unable to pursue work for fear of losing support. Others feared repercussions if they spoke up or complained. While having support could enable them to build confidence or work through anxiety, many had complex feelings about asking for help. This could be related to self-reliance but also shame or fear. Trying and failing to get advice led to resignation.

Overall, the lack of legal capability had important negative consequences for participants. They lost entitlements to financial assistance in varying forms, they lost social care assistance, they had to put up with poor or overcrowded housing conditions or lost shelter altogether. Several reported severe health impacts, with threats of suicide, and nervous and mental breakdowns repeatedly raised. More insidious impacts related to a deepening sense of loss of confidence and self-worth, and increased alienation from social support mechanisms. Participants described encountering systems that were convoluted, complex and poorly administered which undermined their confidence and self-esteem, often compounding the disadvantages they already experienced.

This section highlights the link between legal capability and how people understand and

respond to the law-related problems they face. It helps us to understand where and how things might be going wrong for people, leading to inaction and poor outcomes, and the forms of support that might be most effective. In turn, it points to the need to promote both individual and community-level legal capability as part of approaches that seek to address unmet legal need amongst marginalised groups. This includes not only the design of public legal education but also the delivery of legal and advice services and other forms of legal support as part of a wider ecosystem. For instance, the support from trusted intermediaries helped to remedy knowledge deficits, bolster skills and build confidence to take action. It also has implications for the administration of public services, including eliminating misinformation, making processes more accessible, and improving hostile service cultures.

APPENDICES

APPENDIX A: INTERVIEW SCHEDULES AND APPROACH TO INTERVIEWING

We conducted two rounds of interviews for this study, one with organisations (April 2022-June 2022) and another with individuals they had supported (October 2022 - February 2023). We started by interviewing a group of staff, stakeholders and volunteers from each organisation. These interviews explored broadly what the organisation does and who they support, before delving into more detail about how they offer support, the kinds of legal and non-legal issues they see, and the challenges they and those they support face in trying to deal with them - focusing particularly on the period from March 2020 onward. These were followed by individual interviews with people the organisations had helped us to select, who had struggled to deal with law-related issues in the same time frame. We used semi-structured interview schedules with both organisations and individuals to allow for a more open-ended conversation which could be directed by the participants, with specific prompts and questions to encourage exploration of key areas.

Group interviews with organisations lasted anywhere from 90 minutes to 2 hours, and involved staff, stakeholders and volunteers as determined by the organisation. Organisations were given only general guidance to identify those who they thought best placed to speak to the concerns of the study and a limit of 8-10 participants. In designing the group interview schedule, we were mindful to approach the identification of issues in non-legal terms, only asking specifically about legal issues once participants had the opportunity to identify issues in a more general way. This was for two main reasons; firstly, many everyday issues have a legal dimension or would influence the broader context in which a legal issue might arise. Secondly, we wanted to avoid participants feeling they had to strictly limit their responses to what they perceived as 'legal' issues. We were conscious that they might exclude or decide not to mention relevant issues because they did not recognise them as 'legal'. This approach to group interviews would allow us to situate specifically legal issues in a wider context, while also being able to pick up on where intermediaries might be overlooking potential legal issues. The interviews also explored how staff support people in general and more specifically with legal issues, and their observations about the obstacles people face.

Like the interviews with intermediaries, our approach to the interviews with individuals was to create space for participants to share their experiences in their own terms as much as possible. The schedule was designed in such a way as to not presume that participants would frame their experiences as legal problems. Instead, we asked firstly about issues or problems in general, only asking more specifically about 'legal' issues later in the interview, if it had not already been explicitly raised. More broadly, our approach to these interviews was guided by our concern with legal consciousness, rather than taking a more structured or systematic approach. We were interested in understanding some key aspects of their experience, such as how any problems started, the barriers they encountered in trying to deal with them, and whether or how they had accessed help and support, but we also wanted to allow participants to narratively prioritise the aspects of their experiences that they felt were most important, and to demonstrate how they made sense of their experiences. While we were concerned specifically with questions of legal and digital capability that arise as people attempt to navigate issues, we did not use the interviews to assess levels of legal capability against any standardised measure. We anticipated that participants' ways of making sense of their experiences might be linked to established conceptions of legal capability, but might also challenge or exceed them, revealing more complex pictures of what legal capability looks like in practice.

As a result, while participants often discussed aspects of their experiences that were directly related to legal capability - for example describing steps they had struggled with or how they

had collected evidence—the wider narratives could also be read through the lens of legal capability, translating from lived experience to a framework that can identify issues of legal capability and relate them to patterns of exclusion, wider social dynamics and power relations.¹ Similarly, we did not approach digital capability only as a discrete set of skills that may be present or absent, though these may be inferred or observed from the interviews. Digital capability is not something one simply has or lacks. Like law itself, participants' lives are already saturated with digital technology.² We therefore sought to understand how participants experience digital technology, and how digital technology's prevalence shapes experiences of dealing with law-related issues, as well as more practical questions such as whether and how they accessed the internet.

Intermediary organisations raised concerns that the interviews would likely bring up sensitive and potentially traumatic past experiences. We took account of these concerns by adopting a trauma-informed approach to interviewing, guided by theory as well as the knowledge and practices of the intermediary organisations.³ Our approach recognised that trauma is not limited to clinical diagnoses of PTSD, particularly when linked to historic and systemic oppression and marginalisation. Trauma-informed approaches can be used irrespective of diagnoses and what may be known about a research participant. They involve anticipating the possibility of trauma in every interview. Alessi and Kahn encourage “frank discussions with community partners” to understand the “trauma histories of research participants,” and making modifications to processes if a participant would be put at risk.

To ensure inclusivity for all participants, it was important for us to be flexible to accommodate any needs or requests from participants, including conducting interviews over the phone or online where this was preferable, or encouraging participants to bring a friend or supporter to the interview if this would help them. In the interviews themselves, we would sometimes avoid certain topics entirely (e.g. histories of domestic abuse) if the organisation advised us to do this. Most participants had already had an initial conversation with the intermediary organisation about the interview. Each interview was preceded by a conversation between the interviewer and the individual to discuss what the interview would entail, answer questions and address concerns, review the participant information leaflet and obtain consent. In the interview itself, and the design of the schedule, we tried to build a sense of safety and trust by starting with 'small talk' and getting to know the participant. We then provided regular opportunities throughout the interview for participants to have control by confirming whether they were willing to discuss a particular topic, especially if we anticipated that it could be sensitive, or to continue with the interview, reminding them that we could stop at any time.⁴ Our approach and tone were empathetic and non-judgemental, and while we would often ask for clarification about elements of their stories, this was not done in an exacting way to minimise potential stress. We addressed safeguarding concerns by obtaining prior consent to alert the intermediary organisation if a concern arose, though this was only necessary in one case. The legal health check offer from CELC also served as a way to offer support for ongoing problems participants may have been facing.

¹ On the importance of understanding the relationship between legal consciousness and legal capability, see Naomi Creutzfeldt, Naomi Creutzfeldt, “Towards a Digital Legal Consciousness?,” *European Journal of Law and Technology* 12, no. 3 (2021): 25.

² Virginia Eubanks, *Digital Dead End: Fighting for Social Justice in the Information Age* (Cambridge, Massachusetts: The MIT Press, 2011).

³ Edward J. Alessi and Sarilee Kahn, “Toward a Trauma-Informed Qualitative Research Approach: Guidelines for Ensuring the Safety and Promoting the Resilience of Research Participants,” *Qualitative Research in Psychology* 20, no. 1 (2023): 121–54.

⁴ Only one interview was ended early by the interviewer due to concerns about retraumatisation, as it became evident in the course of the interview that the issues being discussed were very raw for the participant. More often participants were either clear when they were done with the interview, or we reached the end of the allotted time.

Trusted Intermediary Staff and Stakeholder Interview Schedule

Before the interview starts:

- Introduce yourself and thank them for their time.
- Mention that they have all received a participant information leaflet and a consent form. Some have already returned their consent forms. Ask if there are any questions or concerns, and if they've not already signed they should go ahead and do so.
- The interview will be recorded, transcribed and pseudonymised. The recording will be deleted once the transcription is done.
- Mention that the interview is a discussion with some key topics we'd like to cover. Anyone should feel free to chip in and answer at any time, and we appreciate that some questions might be more relevant to some people than others.

In this first part of the interview, I want to just go over some basic information about you and the organisation.

1. It would be great to start with a round of introductions. Could you tell me your name and a little bit about what you do in your job?
2. We would like to learn more about your organisation.
 - a. How would you describe the mission and purpose of the organisation? [Prompt with the contact person and then see if anyone else wants to contribute.]
 - b. Can you tell me a little bit about the services that you provide?
 - c. Who are the main sorts of people that you support? [Here we are looking for demographic and socioeconomic background, and any other main characteristics.]
 - d. Roughly how many people do you support on a weekly or monthly basis?
 - e. How do people find out about your service?
[if walk in, referred by others and if so who, word of mouth, outreach or raise awareness about your services]
 - f. Who doesn't get to you?
 - g. How would you describe the relationship you have with the people you support?
 - i. How intensive is the support, is it emotional, practical, etc.?
 - ii. How long do you tend to work with someone?
 - iii. How often do you see them?
4. Is there anything else that you wanted to add about your organisation?

I'm going to ask a bit more about how you support people with their issues.

5. What sorts of issues in general do you help people to deal with?
[May refer back to or build on previous responses.]
6. Can you talk us through how you typically offer help and support?
[If it makes sense, pick up a few examples of issues they mention, and how they provide the service to explore].
7. Have you noticed any changes in the kinds of issues people are having since the pandemic started (since March 2020)?
 - a. Was anything different during the lockdowns?
 - b. What has been happening in more recent months?

- c. Has anything that started happening during the pandemic continued happening now?
 - d. How did people deal with the closure of services and increased use of digital technology?
 - e. Are there any access issues, for example, connectivity, cost, confidence or skills gaps?
8. How did the way you support people change during the pandemic?
- a. What were the challenges or positives of this?
 - b. How are you operating now?
9. What do you do when people have issues you can't help with directly?
- [for example who they might send people on to and how they go about it]*
- a. What sorts of issues are common?
 - b. What kind of support do you offer?
 - c. Do you worry about certain things you know you can't help with but affect the person's ability to receive your help?

I'd now like to ask some more specific questions about legal issues.

10. What sorts of legal issues are people dealing with? Can you tell us more about these kinds of issues?
- a. How often do they arise?
 - b. Have you noticed any patterns of particular issues arising for anyone?
 - c. Have they changed over the course of the pandemic, what impact, how serious?
 - d. What makes you think a particular issue might be legal when it arises?
11. How do people respond to these sorts of issues?
- a. Do they take action?
 - b. Where do they go for help? [For example, friends, family, neighbours, advice agencies, lawyers].
 - c. What do you think are some of the barriers individuals face when trying to deal with these kinds of issues?
12. How do you usually respond or support someone if they are dealing with a legal issue?
- a. Are there specific kinds of help people ask for when these issues arise, ie form filling, negotiating with someone, signposting (if so where), does anyone come in to help with these issues
 - b. Which legal services are you aware of that you might send someone to? Is there anyone who helps you or referral routes you use?
 - c. More broadly, what do you see your organisation's role to be when these issues arise?
13. What are the main challenges you face when trying to support someone to deal with a legal issue? Potential issues to explore include:
- a. Confidence
 - b. Availability of appointments
 - c. Places to send people or refer people to
 - d. Being able to identify that something is legal
 - e. Knowing where to find information
 - f. Timeliness/urgency

14. How do you think people in your community feel about law? [Potential issues to explore].

- a. Cost
- b. Power
- c. Trust
- d. Stigma
- e. Fear
- f. What are your own feelings/attitudes about the law?

15. What do you think would help individuals be better able to deal with legal issues What might you as an organisation need to better support people to deal with legal issues?

Individual Participant Interview Schedule

- This is the schedule for a semi-structured interview to explore recent experiences with law-related issues, focusing on exploring the types of issues they've experienced, their perceptions and thoughts about those issues in relation to their life experiences, barriers to dealing with those issues, and elements of legal and digital capability (note we are not specifically measuring legal and digital capability). The interview may last up to a maximum of ninety minutes.
- Participants will be diverse in terms of age, gender, race and ethnicity, immigration status, and life experience, reflecting the groups that intermediary organisations support. Participants will be known to have experienced at least one law-related issue (though they may not frame it that way themselves) in the past two years that they struggled to deal with. This issue forms the initial basis of the conversation, but it is expected that this may lead to discussion of other issues.
- There will be provision for the participant to be supported in the interview by a trusted person, carer or interpreter on request or as needed. Professional interpreters will be provided if needed. The participant information leaflet and consent form will be translated or produced in an easy read format as needed.
- The interviewer will adopt a casual, empathetic tone and style. There will be sensitivity around traumatic histories and events, and participants will not be pressed to share anything that they don't want to, and this will be restated throughout the interview. The questions may not proceed in the order given or all be specifically asked, and they will be modified and adapted in specific interviews to be responsive to what has already been said.
- Where needed, and with the participant's explicit consent, potentially sensitive topics may be highlighted in advance to treat with additional care or to avoid. Supplementary information may also be provided by the intermediary organisation with the explicit consent of the participant.
- It will be explained at the start of the interview that what they share will be confidential and anonymous. Confidentiality will only be breached by the interviewer with the consent of the participant (e.g. to ask for advice or let the intermediary know about something that came up), or if there is an immediate risk of serious harm to themselves or someone else.
- Participants will also be offered the opportunity to provide additional information anonymously immediately following the interview. This can take the form of a recording or a written response depending on the participant's preference.
- Participants will also be offered the opportunity to have a free legal health check with the Central England Law Centre. If requested, this will be scheduled within two weeks of the interview, but it can be arranged more urgently if needed. If a participant chooses to have a legal health check, they will be given a separate form provided by the Law Centre to share their contact details; CELC can also liaise with the intermediary organisation to schedule the legal health check if that is preferable.

1. Thank you so much for agreeing to speak with me. We really appreciate your time. I would like to start just by learning a bit about you.

- a. How long have you lived in Coventry? [if appropriate] Where in the city do you stay? Do you have friends or family here? What do you like or dislike about living here?
- b. [If not from Coventry] How did you come to live here?
- c. Are you part of any particular communities?
- d. Who is in your household?
- e. Can you tell me about a typical day for you?
- f. Would you say that you are doing well right now? If not, when would you last say you were doing well?
- g. How is your household getting by at the moment?
- h. Are you looking after anyone?
- i. Do you have any health issues?
- j. Are you registered with a GP?

2. The past couple of years have been really difficult for a lot of people because of the pandemic, can you tell me what it has been like for you? How are things now?

3. I understand you've faced some specific challenges over the past few years [refer to any known issues, avoiding jargon], could you tell me what happened and/or what is happening?

- a. What was happening in your life around this time? Is there a particular event that you feel started it?
- b. How did you realise there was an issue?
- c. How did you feel about it when you realised there was a problem?
- d. What happened next? (points below are some aspects we would want to explore more specifically)
 - i. Timeframes (i.e. how long did it go on before it was sorted)
 - ii. Access to information
 - iii. Sources of support
 - iv. Barriers
- e. Is it sorted now? How did it get sorted?
 - i. [if ongoing] How do you feel things are going?
 - ii. [if resolved] How do you feel about how it turned out?
- f. Why do you think it happened?
- g. What have you found hard or difficult about dealing with this issue? Is there anything you found easier than you thought it would be?
- h. How do you think the pandemic impacted your experience of dealing with this issue?
- i. How did the issue impact your life?
- j. Is there anything you know now that you wish you had known when the problem started?
- k. Are there any other issues [like this] you've found challenging lately?
- l. Do you know other people who have experienced issues like this? Are these issues common in your community? What other kinds of issues do you see happening a lot? How do people deal with them?

If other issues are raised or become apparent in the course of the conversation, a similar line of questioning may be followed.

4. Some of the things we've been talking about are legal issues. What does it mean to you if we talk about the issues you've experienced as legal issues or rights issues?

- a. Why do you feel that way?

- b. Has your experience of the issues we've discussed changed how you think about law?
- c. Have you/are you experiencing any other legal issues?
- d. If you had another problem to do with law, where would you go for help in Coventry?
- e. What do you think would make things better for yourself and other people when these kinds of things happen?

The questions about digital may arise earlier, or they can be asked independently if it doesn't otherwise arise].

5. How do you feel if you have to do something online?

- a. How do you access the internet (e.g. library, at home, through an organisation)?
Do you usually have a mobile phone (with data)?
- b. What kinds of things do you do online?
- c. Did you use the internet at all when [issues discussed] were happening?
- d. Are there any problems that tend to come up when you have to do something online?
 - i. Typing
 - ii. Scanning and uploading documents
 - iii. Access to video conferencing (camera, laptop, microphone), or just a phone
 - iv. Data limits, public access limits
 - v. Trust, security
- e. Does anyone support you if you have to do something online? How do they help?

APPENDIX B: PROBLEM TYPES

Welfare Benefits <ul style="list-style-type: none"> • Unidentified entitlement • Problems with Universal Credit (including administrative issues, overpayments, deductions and sanctions). • Problems with Personal Independence Payment 	39
Housing and Homelessness <ul style="list-style-type: none"> • Disrepair • Overcrowding • Evictions • Homelessness • Suitability 	28
Family <ul style="list-style-type: none"> • Domestic violence • Divorce and separation • Child arrangements • Child maintenance • Care proceedings 	18
Debt <ul style="list-style-type: none"> • Rent arrears • Consumer debt • Council tax and utilities • National Health Service • Personal debt 	13
Health and Social Care <ul style="list-style-type: none"> • Social care entitlement • Children Act 1989 s17 support • Mental health sectioning 	14
Immigration <ul style="list-style-type: none"> • Asylum • Domestic Violence • Citizenship • EUSS 	12
Employment <ul style="list-style-type: none"> • Unfair dismissal • Discrimination 	6
Other <ul style="list-style-type: none"> • Neighbours • Medical negligence • Care leaver support • Anti-Social Behaviour Orders • Personal injury • Criminal 	8
Total	138