



New Zealand's 2006 National Survey of Unmet Legal Needs and Access to Services:

Implications for Information and Education

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Introduction

1. In 2006 the Legal Services Agency (the Agency)¹ conducted its first national legal needs survey.² The survey covered the breadth of the Agency's services and examined the usage and need for legal information, advice, assistance and representation.
2. 34% of the survey's respondents who experienced a legal problem(s) reported that they just wanted information to enable them to solve the problem themselves. A further 35% reported that they wanted information and basic support such as help with filling in forms or finding further information.
3. These findings have led the Agency to consider its information and education strategy – how do we assist people to find the legal information or basic support they want? And have we got the balance right between “self-care” and specialist legal intervention?
4. The purpose of this paper is to examine the implications of the findings of the Agency's 2006 National Survey of Unmet Legal Needs and Access to Services on information and education.³

Overview of Legal Aid and Other Publicly Funded Legal Services in New Zealand

5. In New Zealand, legal aid is available for advice and representation in criminal and civil (including family) matters, on application to the Agency. Applicants are means tested and a merits (civil and family) or interests of justice (criminal) test is applied. If affordable, legally aided people must repay the Agency some or all of their aid.
6. In addition, free duty lawyer services are available at the court for anyone facing criminal charges, and a free (mostly telephone) advice service at the Police Station is provided at all times.
7. 25 Community Law Centres funded by the Agency provide legal information, advice, assistance and representation services around the country. Other community organisations, notably Citizens Advice Bureaux, deliver free legal services, generally through volunteer lawyers.
8. The Agency also provides legal education and information resources directly to the general public and to community and government organisations.

¹ The Legal Services Agency is the government organisation responsible for the delivery of publicly funded legal services in New Zealand.

² 2006 National Survey of Unmet Legal Needs and Access to Services

³ Copies of the full survey report are available at <http://www.lsa.govt.nz>

9. In New Zealand there is a dedicated funding stream for law related education, information and research activities. This is entirely separate from the funding for legal aid, duty lawyers and community law centres.

The 2006 National Survey of Unmet Legal Needs and Access to Services

10. The 2006 National Survey's primary purpose was to improve public access to justice by allowing the Agency to take decisions on the desirable quantity, location and structure of legal services throughout New Zealand.
11. Broadly, it set out to address six key objectives:
 - To measure the prevalence and types of legal problems in New Zealand over a 12 month period
 - To measure the level(s) of met and unmet legal need – in other words to measure the “gap”
 - To measure access to different types of legal services
 - To identify the characteristics and locations of people who do and do not use legal services
 - To better understand the reasons why some people do not access legal services and the outcomes of that inaction
 - To identify the barriers to legal information, advice and representation, to help develop better service design and delivery

Methodology

12. The methodology was based on the English and Welsh Civil Law and Social Justice surveys. The methodology was discussed with Ab Currie⁴ and peer reviewed by Pascoe Pleasence.⁵
13. The survey employed a quantitative research method in the form of a national random telephone survey. 7,200 New Zealanders were interviewed, including booster samples of Māori and Pacific Island people; groups typically under-represented in survey research.
14. The sample size is statistically valid on a national, regional and (within Auckland) sub-regional basis and is large enough to provide comprehensive information and allow the examination of discrete communities of interest.

⁴ Principal Researcher: Access to Justice and Legal Aid Research. Department of Justice, Canada.

⁵ Head of the Legal Services Research Centre in England and Wales.

15. The sample was stratified by region and the sample frame also permits the identification and analysis of the results based on respondents' type of location (urban, rural or provincial town). The data was re-weighted on the basis of area, gender, age, ethnicity and income to ensure that the sample accurately reflected the population.
16. The questionnaire gathered comprehensive demographic information (aligned with Statistics New Zealand's data) on each respondent, whether or not they experienced a problem.

Key Findings

17. Some of the key findings were:
 - Almost one in three people experienced a legal problem over the year. Consumer problems were the most prevalent type of problem but tended to be relatively minor and short-term.
 - 30% of respondents could be considered to have an unmet legal need. A further 4% had their need met but had encountered problems or difficulties in securing help or advice.
 - For 43% of respondents their problem(s) had had a negative impact on their well-being.
 - Typically, respondents used an average of 2-3 different sources to help resolve their problem. A third of these respondents (34%) who sought help or advice relied on friends and family to provide it.

The Legal Services Agency's Information and Education Strategy

18. The Agency has defined legal information as neutral information about rights and responsibilities under a specific law or laws. It can include information on how to access those rights and what to do if they are not protected. Legal information can be provided in a range of ways, such as in person, by telephone, on printed resources or electronically.
19. Education (which in New Zealand is called law-related education, to distinguish it from legal education for lawyers) refers to courses, seminars or classes for individuals and groups in the community on law related matters. Information and education activities are closely related; information resources often being part of and supporting the education activity.
20. The objectives of our strategy for information and education are:
 - (i) To provide information on:
 - rights and responsibilities under the law
 - how to avoid legal problems

- how to address legal problems, and
- solutions to legal issues and problems

through:

- access to information on legal rights and responsibilities via a range of media and methods
- access to referral information on lawyers, including the role of a lawyer, choosing a lawyer, how legal aid works etc.

- (ii) To target service delivery to those at most risk of experiencing unmet legal needs to achieve the early identification of legal problems or the legal component of other problems through:
- education programmes targeted at service workers who have contact with people at risk of poor legal outcomes.

21. The strategy has two main service delivery streams. The first is LawAccess, a web based gateway to the best available law related information in New Zealand. More than 1000 law-related resources from over 150 agencies are on the site, along with contact details for community law centres and links to the Citizen's Advice Bureaux network and the NZ Law Society. LawAccess also includes a glossary of commonly used legal terms and free-phone numbers for contributing agencies.⁶ The site is being enhanced by the addition of searchable, plain language information sheets on the legislation that applies to commonly experienced problems.
22. The other stream is education (training) resources on the law. The Agency produces kits for the delivery of education and training sessions on certain priority law-related topics. In producing this material the Agency aims to support community educators to convey quality and accurate legal information. To date kits have been produced on Enduring Power of Attorney, Domestic Violence and Harassment, Accident Compensation, Immigration and Legal Aid. A kit on Mental Health law is being developed at present. The Agency works collaboratively with relevant government and community agencies to develop each package and where possible establishes partnerships for their ongoing maintenance and distribution.
23. The Agency has an audio visual resource and teaching guide about Waitangi Tribunal proceedings (grievances brought against the Government by Māori under the Treaty of Waitangi) which is primarily aimed at school students aged 13 to 18.
24. The Agency also produces a range of information materials directly related to legal aid and supports these with training sessions to community providers and government agencies.
25. The Agency's information and education strategy was the subject of a presentation at the 2002 Oxford Legal Services Research Conference.⁷ That presentation noted that the Agency's strategy for education and

⁶ The Legal Services Agency is not funded to deliver free-phone legal information services.

⁷ See paper "The Future of Law Related Education in New Zealand."

information is built on an assumption that integration (legal and social services working in alignment) is a key goal for publicly funded legal services.

Survey Implications for the Agency's Information and Education Strategy

26. The key information and education findings were:
 - 52% of people with a problem they consider serious did not seek any information or assistance, of these 33% dealt with the problem themselves, 4% didn't know what to do or where to go and a further 4% wanted to keep matters in the family/whanau
 - Family/whanau and friends are an important source of support for people with legal problems - 34% of people with problems seek advice from family or friends, however only 7% of people said that they had actually resolved their problem(s) this way
 - 34% of people with a legal problem said that they wanted information only so they can sort the problem out themselves
 - A further 35% wanted information and basic support, such as help filling in forms or finding further information
 - 61% respondents who had difficulties accessing information said it was because they were unable to find the information that they were seeking
 - Of people with consumer related issues, 54% were likely to want information only, and just 24% sought help for these problems
 - Of people with welfare benefit problems, 48% want information and basic support
27. Full details of these findings are provided in Appendix One.
28. The findings of the 2006 National Survey indicate that many people want to tackle their problems with minimal assistance, and without the intervention of specialists. Of people with an ongoing problem, 28% were trying to solve it alone with a further 16% getting the help of family/whanau or friends.
29. The challenge is therefore how to align legal information services with other social and personal services to which people have ready access.
30. One step the Agency has already taken which will assist with this is to invite the Family Budgeting Service (FBS) to participate in its education and information Consultation Group. FBS expertise will assist in the

development of strategies to address the high percentage (28.5%) of consumer, money and debt problems indicated in the 2006 National Survey.

31. The continued targeting of multiple routes for information, e.g. community, health and social services, courts, lawyers and legal aid offices is therefore appropriate. Further work is needed to identify the appropriate avenues through which to promote the availability of information and assistance.
32. The Agency may also consider the further development of tools for self-help. However, because problems present in ways that mask their real nature, many access routes to information services are needed, as well as opportunities to escalate the solution path.
33. While 91% of respondents had never attended a course on their legal rights and responsibilities, 25% of this group said they would consider such a course, with a further 17% saying that they might consider attending. This suggests a need to give consideration to targeting education on some topics directly at the public rather than at community organisations.
34. The National Survey also provides guidance about how people respond to various types of law-related problem and preferred means of getting information. This makes it possible for the Agency to look at ways to tailor information delivery.
35. People with family problems, which take longer to resolve, are amongst the most likely to seek help (61%) and are most likely to want more than just information. Information provided in this area needs to include referral information so that people can take the next step to get the help they need.
36. The Survey shows that over a third of people prefer to seek help over the telephone, and significantly some key audiences have a preference for the telephone, such as Māori women under 45 years and Pacific Island women over 45 (see Appendix Two). The levels of preference for the telephone indicate consideration should be given to the further use of telephone services providing information and basic support in New Zealand.
37. The addition to LawAccess of free-phone numbers for organisations who provide advice goes some way to responding to this preference. It is an aspect of the service that may need further development and publicity.
38. Few people indicate a preference for the internet, but 61% of users found it helpful in the provision of information. Other market research in New Zealand indicates that web usage is about 30% amongst key lower income audiences. The primary audience of LawAccess is community workers and volunteers to whom others turn for help. Making these

users more aware of the resource is one way of encouraging self help by the same means.

39. The Agency has participated in an inter-agency pilot project to improve access to online legal information. The project pulled together context specific legal information using a single 'Legal Information Guide' button within relevant websites. Users were linked to related information by an agency-neutral interface - the message being there is no 'wrong door' to finding the legal information.
40. The survey respondents were asked about what they thought had caused their problem to occur. Whilst this yielded a wide range of answers (see Appendix Three) it enables the Agency to identify and give future consideration to where preventative approaches to information and education could be most effectively deployed, for example 37% of consumer problems were caused by not understanding the implications of credit contracts.
41. A differentiated focus around the country is needed with some geographical areas presenting as more of a priority than others, and some presenting higher levels of particular problems or preferred methods of access.

Conclusion

42. Possibly the most important value of the survey for the Agency's Information and Education strategy is the finding that so many people want information so they can resolve their own problems. With this confirmed, the Agency has a mandate to extend information services. With the survey findings related to specific problems and needs, the Agency can both extend and target its delivery of services.
43. The survey's national report was published late in 2006. It still provides a host of valuable information for additional analysis. To understand some of the findings it will be necessary both to extract more data and also discuss the results with groups of consumers and service providers. The Agency has begun these exercises.
44. The survey has an additional role. The Agency has determined its desired outcomes as being:
 - People who have the greatest need for legal services and the least capacity to pay for them:
 - Have their legal needs met
 - Have their rights and situation fairly represented in a dispute or hearing
 - Can resolve or progress their legal problem themselves
 - Know the options for resolving or progressing the legal problem

- People can find out easily:
 - Their basic rights and responsibilities
 - Whether they have a legal need and should seek further legal services
 - Where and how to get the legal services they need
 - Communities are represented on community legal issues
45. Repeated over time, the survey provides the Agency with an ability to benchmark outcomes for people based on the findings. Beyond regular measurement, the benefits of specific initiatives can be assessed by adapting the survey's questionnaire.

Appendix One – Relevant Findings

Prevalence of Problems Aggregated for New Zealand

	Number of respondents	%	Estimated Number of People 15+ Experiencing Problem ⁸
Nett have a problem	2,069	28.7	900,400
Nett do not have a problem	5,131	71.3	2,236,900
Base	7,200	7,200	

Type of problem	%	Estimated Number of People 15+ Experiencing Problem ¹
Consumer related	10.4	326,300
Money or debt	8.1	254,100
Welfare benefits	6.7	210,200
Housing or land	5.8	182,000
Employment	5.4	169,400
Family/whanau or relationship breakdown	4.8	150,600
Immigration	0.8	25,100
Other	6.0	188,200
Base	7,200	

Current Status of Problems at Time of Surveying

	%	Base
Resolved	49	1016
Ongoing	51	1052

How Problem was Resolved

	%
Solved the problem on own without the help of anyone	28
Agreement was reached with the other party	24
Solved the problem with the help of someone (other than mediator or family/whanau and friends)	10
The problem sorted itself out	10
After court or tribunal action	9
Solved the problem with the help of family/whanau and friends	7
Gave up trying to resolve the problem	6
Through mediation	4
Did nothing to resolve the problem	2
Base: Most serious problem now over	1016

⁸ Population estimates are based on 2006 population census projections.

Current Problem Position

	%
Trying to solve it on own without help of anyone else	28
Trying to solve it with help of family/whanau and friends	16
Trying to solve it with the help of someone (other than mediator or family/whanau and friends)	15
Trying to reach agreement with the other party without court or tribunal action	10
Not trying to do anything because don't know what to do	9
Not trying to do anything because think it will resolve itself	7
Court or tribunal action is occurring	5
Court or tribunal action is about to occur	5
In the process of going through mediation	4
Base: Most serious problem still ongoing	1052

How Problem Resolved Analysed by Most Serious Problem

	Consumer %	Money or debt %	Family/ relationship %	Employment %	Housing or land %	Welfare benefit %	Immigration %	Other %
Solved on own	29	52	17	24	15	19	20	29
Agreement reached	37	23	15	15	24	39	10	10
Help of someone	4	6	11	12	28	7	20	13
Sorted itself out	11	6	6	17	23	15	-	7
Court/tribunal action	2	5	28	12	5	1	-	20
Help of family/whanau & friends	7	9	16	5	4	7	10	4
Gave up	7	-	3	5	6	9	20	6
Mediation	2	-	3	8	9	3	10	6
Did nothing	2	-	1	2	6	-	-	6
Base	249	141	108	145	80	122	10*	163

*Caution: very small base

Number Seeking Help Analysed by Problem Type

Type of help wanted	%	Estimated number of people seeking
Information only, so they can sort problem out themselves	34	148,300
Information <u>and</u> basic support (e.g. help with filling in forms, help with contacting third parties to seek information)	35	149,100
Someone to help them deal with the problem (e.g. talking to the other side)	35	152,200
Someone to sort out problem for them	11	48,800
Someone to appear on their behalf and/or represent them before a court or tribunal	18	79,200
Base: Seeking help	981	

Type of Help Wanted Analysed by Most Serious Problem

	Consumer %	Money or debt %	Family/relationship %	Employment %	Housing or land %	Welfare benefit %	Immigration %	Other %
Information only	54	43	31	31	23	28	43	34
Information and basic support	22	39	37	28	35	48	38	25
Help deal with problem	13	41	45	37	32	40	19	20
Sort problem out	11	11	11	8	14	14	14	12
Appear/represent	11	15	17	14	21	24	-	30
Base	103	153	187	129	140	126	21*	122

* Caution: low base size

Services Accessed for Advice and Help

Service Provider	% using provider for single most serious problem
Leaflet, booklet or other publication	10
Internet site	13
Local council of other public authority	12
Community law centre	11
Citizens Advice Bureau	16
Other local social services and advocacy organisation	13
Private lawyer	22
Lawyer working pro bono	5
Legal aid lawyer	10
Insurance company	3
Government agency or department ⁹	20
Police	9
Doctor or other health professional	23
Mediation or reconciliation service	7
Member of parliament	6
Ombudsman	2
Friends of other family/whanau members	34
Trade union	3
Court desk	3
Minister of religion	3
Māori organisation	4
<i>Average number of sources used</i>	2.5
Base: Seek help	981

⁹ Note: Some people are likely to have provided this response when they have received legal aid.

Main Reasons Given for Not Seeking Assistance for Most Serious Problem

	%
Dealt with it myself	33
The problem was sorted before got around to seeking help	13
Thought the problem would resolve itself	11
Did not think it was serious or important enough	9
Did not think it would make much difference	8
Couldn't be bothered	5
Didn't know what to do or where to go	4
Wanted to keep it in the family/whanau	4
Thought it would cost too much	4
Thought it would be too stressful to sort out	3
Tried to seek help or advice but they were unable to help	4
Was uncertain of my rights	3
Thought it would take too much time	2
Didn't trust anyone	2
Fear of government or official agencies/intimidated by them	2
The help or advice wanted was not available locally	2
Too embarrassed/shy	2
Confused by the legal process/intimidated by it	1
Thought that the other party was right	1
Too scared	1
Thought it would damage the relationship with the other party	1
Other	20
Base: All people not seeking help	1087

Appendix Two –Preferred Methods of Access

Preferred Methods of Access

	People without problems %	People with problems %	All people %
Personal visit	41	45	42
Telephone	37	32	36
Through a web site	8	5	7
By letter	3	4	3
By email	3	4	4
Some other way	1	4	2
Don't know/it depends	5	5	5
Base	5,131	2,069	7,200

Preference for Telephone Access Analysed by Demographics

	All 15+ %	15-24 yrs %	25-44 yrs %	45-64 yrs %	65+ yrs %
NZ European male	31	25	37	33	25
NZ European female	43	36	46	47	32
Māori male	32	21	37	38	30
Māori female	41	43	44	34	33
Pacific Island male	22	16	29	25	13
Pacific Island female	31	28	26	59	67
Other male	23	19	22	36	18
Other female	29	28	28	37	14

Appendix Three - Problem Triggers

Main Cause for Most Serious Problem

	%
Receiving incorrect information/being misled/false advertising	9
Other (non income) job related such as bullying, overwork etc	9
Faulty goods and appliances	8
Relationship break up, e.g. separation or divorce	6
Being the victim of a crime, e.g. theft, burglary, assault	5
Low income/wages	5
Taking on too much debt	4
Unable to meet (re)payments	4
Illness or poor health	4
Being overcharged for a good or service	3
Difficulties with a government agency or department ¹⁰	3
Loss of/breakdown in communication	3
Committed a traffic or driving offence	3
Problems with neighbours	3
Loss or change of job	3
Conflicts/disputes with partners, ex-partners, children or other family/whanau	3
Alcohol or drugs	2
Being taken advantage of	2
Difficulties with billing and poor/untimely service	2
A reduction in benefit/change in benefit status	2
Not understanding the implications of credit contracts	2
Death of a family/whanau member	2
Suffered an injury or accident	2
Irregular income	2
Difficulties with council/planning subdivisions	1
Domestic violence	1
Other	5
Base: All people with most serious problem	2069

¹⁰ This covers a broad range of agencies and departments, including, but not limited to, IRD, WINZ, ACC and the Immigration Service.

Main Cause for Most Serious Problem by Problem Type

Problem Type	Main Triggers
Consumer related	<ul style="list-style-type: none"> • Faulty goods and appliances • Receiving incorrect or misleading information/false advertising • Being overcharged for a good or service • Difficulties with billing and poor/untimely service
Money or debt	<ul style="list-style-type: none"> • Low income generally • Taking on too much debt/easy credit/over committing • Unable to meet (re)payments • Loss or change of employment
Family/ whanau or relationship break up	<ul style="list-style-type: none"> • Break up of relationship (e.g. divorce or separation) • Breakdown in communication • Domestic violence • Alcohol or drugs • Conflict or dispute with partner, ex-partner or other family/whanau member
Other	<ul style="list-style-type: none"> • Being the victim of a crime (e.g. theft, burglary, assault) • Committed a traffic or driving offence • Alcohol or drugs
Employment	<ul style="list-style-type: none"> • Other job related (e.g. bullying, overwork etc) • Loss or change of job • Being taken advantage of • Receiving incorrect or misleading information
Welfare benefit	<ul style="list-style-type: none"> • Receiving incorrect or misleading information • Difficulties with the organisation • Suffered an injury or accident • A reduction in benefit/change in benefit status • Illness or poor health
Housing or land	<ul style="list-style-type: none"> • Problems with neighbours • Difficulties with council/planning subdivisions • Receiving incorrect or misleading information • Being taken advantage of
Immigration	<ul style="list-style-type: none"> • Difficulties with government agencies/departments • Receiving incorrect or misleading information