

**What is the Net Worth?  
Young People, Civil Justice and the Internet**

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I, Catrina Denvir, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

A handwritten signature in black ink, appearing to read "Catrina Denvir".

Catrina Denvir

## **Abstract**

Over the last decade the Internet has played a growing role in the resolution strategies of many of those who face ‘civil justice problems’.<sup>1</sup> While many who use the Internet do so in order to locate offline sources of advice, as access to traditional forms of legal advice diminishes, the Internet is likely to play an increasingly important role in legal self-help. This thesis explores how and when young people in England and Wales use the Internet to resolve housing and employment law problems, as well as the quality of the main information resources available to them. In exploring this, the study draws on: existing publicly available data from the Civil and Social Justice Survey (CSJS) and Civil and Social Justice Panel Survey (CSJPS); new data obtained from 208 young people aged 15-26 who participated in a novel experiment designed to test how they acquired information from the Internet when faced with a housing/employment law dilemma; and, new data collected from a website review which assessed the overall quality of the main English and Welsh legal information websites. The study finds that while the Internet holds potential as a legal self-help tool, online legal information does not directly equate to improved individual legal capability. The potential the Internet holds, continues to be constrained by the quality of information provided online and the public’s capacity to use it and apply it in a meaningful way. Findings encourage ongoing investment in online resources, but suggest that investment in public legal services must remain diversely distributed across a range of mode-types (online, telephone and face-to-face). Results are contextualised within the history of online legal services, recent policy developments, as well as the existing literature relating to access to justice, human-computer interaction, problem-solving behaviour and adolescent development.

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<sup>1</sup> An explanation of the term ‘civil justice problem’ can be found in section 2.3.1.

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## Acronyms

CSJS	Civil and Social Justice Survey
CSJPS	Civil and Social Justice Panel Survey
DCA	Department for Constitutional Affairs
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, Media and Sport
DES	Department for Education and Skills
DfEE	Department for Education and Employment
DTI	Department of Trade and Industry
LAG	Legal Action Group
LASPO	Legal Advice, Sentencing and Punishment of Offenders Act 2012
LCD	Lord Chancellors Department
LSB	Legal Services Board
LSC	Legal Services Commission
MOJ	Ministry of Justice
NAO	National Audit Office
OGC	Office for Government Computing
ONS	Office of National Statistics
PLE	Public Legal Education
PMSU	Prime Ministers Strategy Unit
SEU	Social Exclusion Unit

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# 1. INTRODUCTION

## 1.1 Statement of Purpose

This thesis explores how young people use the Internet as an information and self-help resource in the resolution of ‘civil justice problems’, specifically housing and employment problems.

The study aims to better understand:

- i. The emergence of ‘e-government’ and the Internet as a mode of delivery in public legal services in England and Wales, the emergence of legal self help, and the extent to which online legal information provision has the potential to meet the legal needs of young people;
- ii. The extent to which young people currently use the Internet for ‘legal problem’ solving, their objectives when they do go online and their success in meeting these objectives;
- iii. How well young people currently know their legal rights and where to go for help in relation to housing and employment law problems;
- iv. How young people search online, their search behaviour and the extent to which searching online improves their capacity to understand and resolve a particular ‘legal problem’;
- v. The impact of directing individuals towards a particular website and whether this improves the speed with which they acquire information or the accuracy of their answers;
- vi. The advice seeking behaviours/preferences demonstrated by young people when faced with employment and housing law problems;
- vii. The quality of the main online information resources individuals are likely to come across when searching for information related to employment and housing law problems.

Fulfillment of these aims will highlight the capacity of young people to use the Internet for the purpose of legal information seeking, as well as the extent to which

online resources are presently supporting legal self-helpers. Findings are discussed in the context of contemporary issues in public policy.

## **1.2 Introduction to the Programme of Work**

Issues surrounding use of and access to the Internet are not new, as is evidenced by the body of literature that has emerged over the last two decades exploring the technological, political, social, economic and geographic dimensions of the World Wide Web (WWW). Within the social sciences, much of the existing focus has been directed towards Internet access as a proxy measure of social exclusion and deprivation (see e.g. Haddon 2000, Hargiatti 2002, Helsper 2008, HM Government 2010). However as Internet access has continued to spread, so too has the assumption that an increasing number of services can be contained to digital-only delivery. This is particularly true in respect of government services in England and Wales where the adoption of ‘e-government’, primarily under the leadership of the Labour Party between 1997 and 2010, was seen as a means by which to modernise the state, widen access to ‘citizen-centric’ public services and reduce the cost of traditional modes of citizen/state interaction (Cabinet Office 1999, 2005, 2009, HM Government 2010). Whilst the achievement of these objectives remains the subject of great debate both within and outside of government, the Internet has (to varying degrees) become a permanent feature of modern citizen-state interactions (Parker 2003, National Audit Office 2007). This has culminated in a recent decision by the current government to move to a model of (single-channel) ‘digital-only’ delivery in transactional public services over the coming years (HM Treasury 2012).

As it relates to access to justice, in a climate of concern about a growing legal aid spend, the Internet has been seen as a way to disseminate legal information to those not eligible for legal aid (LSC 2006). More recently, the government has been keen to stress the role of the Internet as legal information and self-help tool in order to justify reductions in the availability of traditional forms of access (as enshrined in the Legal Aid, Sentencing and Punishment of Offenders Act 2013 (LASPO))(see e.g. Public Bill Committee 2011). While one would expect that this would see an upturn in the quantity and quality of legal information provided online by the state, the government has recently shifted away from the direct provision of online legal

information. This has coincided with a ‘rationalisation’ of the government’s digital estate, with many Department websites removed and content condensed and transferred over to [www.gov.uk](http://www.gov.uk) (the central government website which replaced [www.directgov.uk](http://www.directgov.uk) in 2012). Digital rationalisation has been justified partly on the basis that maintaining a large digital estate is a costly enterprise. However, when coupled with the changes brought about by LASPO 2012, the government’s move away from the provision of online legal help content is indicative of a shift in political doctrine. Over the last three years, the government (led by a Conservative/Liberal Democrat coalition) has substantially re-evaluated the extent to which the State is seen as responsible for delivering legal information and advice services to the public (whether online or offline). As a consequence of this re-evaluation the government has sought to reduce the amount of publicly funded legal advice it offers for civil justice matters. Consistent with this approach, the new ‘Online Legal Service’ recently launched by the Ministry of Justice does not provide online self-help content directly to the public, but rather re-directs those ineligible for legal aid to third sector resources (Westall 2013).

Despite the government’s original fervor when it came to online services, the fact that the third sector is now obligated (by default) to bear the burden of the government’s withdrawal from the online advice space is somewhat ironic. Although the third sector has always embraced the Internet as a means of opening up access to justice, it has simultaneously been keen to stress that multiple channels of service delivery are necessary and that digital channels should form only one part of a broader package of advice and assistance (see e.g. Justice for All 2011). There are good reasons to support this position: beyond mere access (the ‘first digital divide’), there are a range of issues associated with an individual’s capacity and willingness to use the Internet (the ‘second digital divide’) that can present as a barrier to Internet use. For example, research has identified that physical impediments such as poor vision, might restrict browsing or require adaptive hardware (Detlefsen 2004, Alpay et al. 2004); limited technical aptitude may promote a lack of trust in, or fear of computers (Dutton and Blank 2011, Uslaner 2000, Czaja et al. 2006, Mitzner et al. 2010, Adler 2006); below average reading comprehension and literacy skills may make understanding information difficult, even when presented simplistically (Brand Greuwel et al. 2009, Coiro 2003, Leu et al. 2004); and intransigent advice seeking behaviours may encourage users to seek help elsewhere in preference to the Internet,

particularly for certain problems (Estabrook et al. 2007, Pleasence et al. 2010a, Garvey et al. 2009).

These concerns come in addition to the broader issues that arise as a result of trying to search for, locate, and process legal information obtained online. These are issues said to affect all users, even those with a high degree of aptitude, as well as disproportionately affecting those with low educational qualifications (Landauer 1992). Such barriers include an inability to accurately frame search requirements, conceive of keywords or generate alternative words to procure new search results; an inability to distinguish between the quality and source of information provided online; and an inability to find credible information of relevance to the issue at hand (Bilal 2002, Dinet et al. 2004, Rieh 2004, Sillence et al. 2007).

Added to this are issues surrounding self-help, in particular the way in which those who profess to have knowledge of their rights appear to have greater success when handling their problem alone (Denvir et al. 2012). Yet individuals often lack knowledge of their rights, lack an understanding of some of the risks associated with the legal dimensions of their circumstances (see e.g. Maclean and Eekelaar 2005, Baker and Emery 1993, Kim 1999) and in some cases, lack an understanding that the issues they face are ‘legal’ (Pleasence et al. 2010b, Tennant et al. 2006, Caseborne et al. 2006, Genn et al. 2006, Barlow et al. 2005). This gives rise to concerns about the appropriateness and efficacy of the Internet as a legal self-help resource.

While previous research has paid some attention to the use of the Internet by individuals to obtain information in relation to ‘civil justice problems’ (see e.g. Denvir et al. 2011, 2014, Youth Access 2002, 2009), little has been done to assess how individuals use the information they find online in the resolution of ‘civil justice problems’; the extent to which it resolves the problem in question; and how individuals search for and select legal information they find online. Moreover, with the exception of a study conducted by Advice Now in 2006 and a smaller study conducted in 2014 (Smith and Paterson 2014) little has been done to assess the quality of the wide array of government, private and third sector websites that have been established over the last decade.

In spite of the present government’s apparent disinterest in facilitating online legal self-help, use of the Internet for the purposes of ‘self-helping’ when faced with a civil justice problem, has been steadily increasing over the last decade (Denvir et al. 2011, 2014). In the absence of other forms of freely available advice, it is

expected that demand for online content will continue to grow. As a result, more needs to be known about how the Internet may present as a viable self-help resource for 'civil justice problems', the extent to which the information currently available online meets the public's informational needs and the extent to which the Internet can successfully improve the public's knowledge of rights and bolster 'legal problem' handling skills.

In examining these issues, this enquiry focuses specifically on young people. The concept of who falls within the remit of a 'young person' is open to debate although is generally defined as applying to those within the ages of 16-24. This age range takes account of the definitions adopted by a number of international organisations including the World Bank and the UN (see e.g. World Bank, 2011). While this thesis engages with this debate to provide the reader with a greater contextual understanding of the literature informing the concept of 'adolescence' and 'young adulthood', for methodological and practical reasons, this study expands the definition of 'young person' to include those aged 15-26. The reasons for doing so are supplied at various points through out the text. While it is expected that a great number of people will be affected by the government's recent changes to legal aid, research suggests that these changes may have a disproportionately negative impact on young adults for two reasons. Firstly, the problem-types most prevalent among those aged 16-24 have been removed from the scope of legal aid, forcing more young people to rely on alternative sources of assistance (including self-help) (Balmer et al. 2007, Ministry of Justice 2010c, 2011b, Public Bill Committee 2011). Secondly, young people present as somewhat of an anomaly in the literature. Despite having grown up in a digital world, young people are not only less inclined to use the Internet for civil justice problem solving, they are also less successful in achieving their aims when they do attempt to use the Internet for this purpose (Denvir et al. 2011). Given that young people also report a higher rate of negative outcomes as a result of experiencing a civil justice problem (Balmer et al. 2007) they may well be considered a priority group in relation to online legal self-help, justifying the focus of this current enquiry.

Although it is accepted that online information and advice is not appropriate for all individuals and all problem-types, it remains that in the absence of other forms of advice, online information will play a key role in promoting 'access to justice' - a fundamental principle of our justice system. For those providers interested in

safeguarding this principle, this study provides critical insight into how (and if) online legal resources can be improved. Whilst this study offers pragmatic and timely insight that will be of use to policy-makers, it also makes a contribution to the academic literature by filling some key gaps in knowledge relating to how young people use the Internet for advice seeking. Additionally, this study tests a new method of data collection and in doing so, develops a novel methodological protocol for researchers seeking to capture web-search behaviour in future studies.

### **1.3 Summary of Thesis Structure**

Chapter 2 of this thesis engages with the existing literature in the field of e-government, legal aid and access to justice. The Chapter first details the history of e-government in England and Wales, drawing on a range of archived policy documents in order to contextualise the use of online services within the broader political environment. It then examines the role of e-government and online services in relation to legal aid and advice. This is followed by an exploration of the rationing of legal services over the last decade and the role of Public Legal Education (PLE) in relation to this. The Chapter then turns to examine the nature of legal self-help, the impact of cognitive development on the decision-making/problem solving behaviours of young people and the nature of legal capability and its relationship to knowledge of rights. Chapter 2 also discusses some of the challenges of digital delivery in the legal advice space, looking at the socio-demographics of those who experience ‘civil justice problems’, the challenges associated with Internet use and legal self-help, and the extent to which these challenges are of particular relevance to young people. Finally, Chapter 2 outlines the aims and research questions this thesis seeks to answer and outlines, in brief, the methodological approach taken to new and existing data collection and analysis. In exploring existing studies of a similar nature, Chapter 2 highlights some of the challenges associated with acquiring data on how individuals use the Internet for ‘civil justice problems’ and how the approach used to acquire the data detailed in Chapter 4 can overcome some of the limitations of previous methodologies.

As the first of three results chapters, Chapter 3 presents findings drawn from data collected by the Civil and Social Justice Survey (CSJS) and the Civil and Social

Justice Panel Survey (CSJPS). It looks at the rate at which young people experience civil and social justice problems (particularly housing and employment problems), how they resolve these problems, the extent to which the Internet forms a part of their resolution strategies and the determinants of Internet use. Greater detail is provided on the purpose for which the Internet is used, the extent to which individuals are successful in achieving their objectives when using the Internet, the sources they commonly use, and the length of time they spend online. Finally, Chapter 3 explores the extent to which young people are aware of their legal rights, drawing on respondents' answers to a range of rights-based questions asked in relation to a hypothetical (employment or housing) scenario.

Chapter 4 presents results from an online experiment/survey exploring how young people use the Internet to acquire information about their rights (and the enforcement of these rights) when faced with the same hypothetical employment or housing problem presented to CSJPS respondents (and detailed in Chapter 3). The findings presented in Chapter 4 explore participants' existing knowledge of rights and their understanding of how to resolve a civil justice problem. It further explores the extent to which Internet use (guided and non-guided through the provision of a website 'hint') improves knowledge and understanding. Detail is given as to how participants went about searching for information, the search terms used, the resources they relied on, mistakes made, and the value they placed on the Internet as an advice tool. Finally, analysis looks at the problem-solving preferences of participants.

Chapter 5 presents the findings from a review of existing online legal resources (websites). It looks at the range of online resources presently available in the area of housing and employment law by assessing the degree to which resources offer a mix of rights-based information and action-orientated detail, as well as the extent to which the resources commonly appearing in search results listings are reliable. Chapter 5 also examines how search engine and search terminology influence the relevance and quality of results acquired.

For each of Chapters 3, 4 and 5, findings are discussed in the context of the existing literature, with lessons for policy and implications for future research addressed at the end of each Chapter.

Chapter 6 concludes by bringing together the findings from the literature review as well as Chapters 3, 4 and 5. Drawing out the key lessons learnt from the

research and contextualising these in line with the existing theoretical framework, Chapter 6 discusses the implications that these findings pose for policy makers involved in the delivery of online legal services, in light of recent policy changes and technological advances.

## **2. E-GOVERNMENT, LEGAL SERVICES AND THE EXPERIENCE OF LAW: A REVIEW OF THE EVIDENCE**

### **2.1 A Brief History of e-Government in England and Wales**

Shortly after their landslide 1997 electoral win, the Labour government under the leadership of Tony Blair, commenced an ambitious programme of reform ‘for the future’ detailed in a White Paper entitled, ‘Modernising Government’ (Cabinet Office 1999). Furthering the vision first outlined by John Major’s conservative government in their 1996 green paper, ‘Government Direct’ (Cabinet Office 1996) the Labour party sought to capitalise on the multiple advances in communication technology of the previous decade so as to develop a public sector in which services were focused on the needs of the citizen. At its core, ‘Modernising Government’ attempted to, in all but exceptional circumstances, facilitate an environment in which 50 per cent of all citizens’ dealings with government could be delivered by electronic means by 2005, rising to 100 per cent by 2008 (Cabinet Office 1999).

‘Electronic’ was intended to encompass telephone and digital television technologies, and consequently, the modernisation agenda demonstrated a broadening of the modes of access by which the public could interact with government. At the heart of the reforms was a focus on the way in which computer and Internet technology could improve the delivery of government services. Emphasis was placed on providing a more customer-orientated approach to public sector delivery; a change influenced by the precedent set in the private sector where e-commerce functions such as 24-hour banking and telephone banking were emerging and capturing new consumer bases (Burrows 2003, Gilbert et al. 2004, Hazlett and Hill 2003, Cook 2000). Indeed, ‘Modernising Government’ held the private sector up as a role model, lauding the manner in which technology had been used to improve customer service, interact with suppliers and support staff. In turn, the private sector encouraged the belief that “citizens expect(ed) to get the same service as constituents as they (got) as consumers” (KPMG Consulting 2000:2).

While the primary focus of the modernisation programme was centred on altering informational<sup>2</sup> and transactional<sup>3</sup> citizen/government interactions, the agenda

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<sup>2</sup> obtaining information about local services, welfare benefits, etc

did not limit the scope or scale of the potential transformation. Simultaneously, it made clear that the government's willingness to embrace online modes of delivery was not intended to restrict access to services simply to those who adopted new technology, but rather, intended to widen access for all. This intent, which dovetailed with the aims of the newly established Social Exclusion Unit (SEU), recognised that e-government would not necessarily be suitable for all citizens, and further recognised the need for any new online delivery mechanisms to coexist alongside existing channels of access such as telephone, mail and face-to-face contact (Cabinet Office 1999, Cabinet Office 2000a, 2000b).

In pursuit of widening access online and seeing-through the vision laid out in the 'Modernising Government' White Paper, the government established the Office of the e-Envoy which in 2001 released a report outlining its' Online Campaign (Cabinet Office 2001). Detailed within it were plans for two key initiatives: the first, involving the establishment of a central portal to government websites ([www.ukonline.gov.uk](http://www.ukonline.gov.uk)) which would attempt to fulfill the informational aspect of delivery; the second, a government gateway, transactional in nature, which would operate as a central authentication service for government agencies allowing them to transact online with citizens and businesses where confidentiality and user identification was necessary.

The development of [www.ukonline.gov.uk](http://www.ukonline.gov.uk) represented the first step in providing a cross-department informational website and achieving progress towards the target set for 50 per cent of all government services to be deliverable online by 2005. Initially the website acted as a directory service, although later expanded to provide information of a simplistic nature intending to guide citizens through key life events involving interaction with government departments. Such events included: having a baby; dealing with crime; moving home; learning to drive; death and bereavement; and travel, with further areas of inclusion under consideration (Cabinet Office 2001).

Despite failing to heed recommendations made by the National Audit Office in 1999 to introduce accurate data collection mechanisms so as to determine progress against the 50 per cent target, by 2002 the government had announced that 52 per cent of services were available online (Office of the e-Envoy 2002) going on to claim

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<sup>3</sup> submitting self-assessment tax returns, obtaining/submitting forms, booking driving tests

an achievement of 71 per cent in 2004 (Perrone 2004). Shortly thereafter, the Office of the e-Envoy was closed, succeeded by the e-Government Unit, which, in the same year introduced a successor to ukonline.gov.uk, named ‘Directgov’ ([www.direct.gov.uk](http://www.direct.gov.uk)). By 2005, the government announced it had largely achieved the objective of e-enabling 600 government services, with the Cabinet Office reporting 96 per cent success (Cabinet Office 2005).

In response to this milestone, the Cabinet Office published ‘Transformational Government’, a strategy intended to follow on from ‘Modernising Government’ in outlining ICT ambitions going forward (Cabinet Office 2005, 2006). The document indicated a noticeable step-change in the purpose towards which e-government was orientated. Distinguishing itself from the previous ‘Modernising Government’ agenda in which digital saturation and proliferation of public services was emphasised, ‘Transformational Government’ sought to rationalise government web presence, aiming for a reduction in the overall number of websites and the consistency thereof. ‘Transformational Government’ placed emphasis on the need for customers and businesses to be steered towards the lowest cost channels, with legacy channels remaining only in exceptional circumstances (Cabinet Office 2005).

A future in which the Internet formed a central part of public service delivery was necessarily contingent on the ability of the public to obtain Internet access. This issue of access formed the policy focus of the final years of the Labour government, pursued through a combination of initiatives delivered by the Prime Ministers Strategy Unit (PMSU) and the Department for Trade and Industry (DTI) (Cabinet Office 2005). By 2009 the responsibility for promoting the benefits of connectivity had been assigned to the UK ‘Digital Inclusion Champion’. With a lack of Internet access in the home identified as a potential measure of social deprivation and exclusion (Haddon 2000), the work of the Digital inclusion champion, focused on the Olympic orientated objective of spearheading the ‘RaceOnline2012’- a campaign intended to encourage as many citizens as possible to ‘go online’. Those who were not accessing e-government were no longer classed as conscientious objectors or selective consumers. Rather, they were the digitally excluded – a disadvantaged group who had yet to reap the benefits of online connectivity. Moreover, they were a group who needed to take greater personal responsibility for their digital connectivity as the public sector headed towards digital-only services (Cabinet Office 2009).

In 2010, shortly after coming to power, in pursuit of financial savings the (Conservative/Liberal Democrat) coalition government announced their intent to rationalise 75 per cent of government websites, transferring content to direct.gov.uk (Anon 2010). Weeks later the RaceOnline produced their campaign strategy, the ‘Manifesto for a Networked Nation’ (HM Government 2010). The strategy made little reference to the development of e-government, instead concentrating on issues of Internet access whilst simultaneously shifting the responsibility for connectivity onto the ‘citizen-consumer’. Focusing on deriving savings, a strategic review of direct.gov.uk was undertaken in 2010. The review recommended a shift to digital-only government services for all citizen-government interactions and transactions (Fox 2010, see also Transform 2010). Subsequently, in March 2011, it was announced that direct.gov.uk would be replaced with www.gov.uk, a new single platform for all government websites. Developed with the intent of bringing all corporate publishing activities of Departments onto the one platform, it was also intended to represent the main portal through which future ‘digital-by-default’ transactional services would be provided (Cabinet Office 2012).

### **2.1.1 e-Government and Cost Savings**

While the period of 1996-2006 under the Labour government was characterised by digital proliferation and customer-orientated service delivery (in keeping with the ‘New Public Management’ style of the time), by 2008 an impending recession and pressure on Departmental budgets shifted the e-government debate away from citizen-consumer convenience and towards cost-cutting. This emphasis increased as concerns regarding government spending intensified, with policy documents making continued reference to just how much money going online could save the government (see e.g. HM Government 2010, PwC 2009, Cabinet Office 2012, HM Treasury 2012). Yet despite the association between online services and savings, there was little reliable evidence to prove that online delivery was more cost-effective than existing or alternative modes of service provision (National Audit Office 2002, 2007).

This did not stop various commentators speculating as to the potential savings that might arise from a shift to digital only delivery, although there was little consistency in the figures produced. In 1997, Labour advisor Liam Byrne proposed

that technological transformation had the potential to reap savings of £3.5 billion per year (Byrne 1997). In 2004, Gershon's independent public sector efficiency review identified savings of £20 billion achievable by 2007-08 from a combination of reforms, including savings emerging from e-government (Gershon 2004). In 2006, a further £400 million in savings over three years was estimated - derived from e-service improvement (website rationalisation, channel shift, shared infrastructure) (Varney 2006). By 2009, Price Waterhouse Coopers's (PWC) government commissioned report suggested potential savings of £900 million per annum arising purely from a channel shift from face-to-face to electronic transactions. Finally, in 2012 the government's digital strategy claimed that between £1.7 and £1.8 billion a year could be saved through the adoption of digital by default, although no evidence base for these figures was ever supplied (Cabinet Office 2012). These figures came in addition to a range of cost estimates put forth in departmental reports produced from 2000 onwards (e.g. PWC 2009, HM Government 2010).

Yet it was rarely mentioned that these savings calculations relied on more than just the provision of the e-service itself. Indeed, this was a separate challenge, because despite a consistent desire to adopt online services, the history of their implementation in England and Wales had been marred by a series of failures, from a lack of uptake, to a lack of departmental cooperation and consistency, to a lack of back office integration - all of which increased expenditure without increasing efficiency (National Audit Office 1999, 2002, 2007, Office of Government Computing 2003, House of Commons 2002). The figures did however reinforce the fact that the government was adamant that e-services would be cheaper than legacy models - an assumption that remains today. Perhaps not surprisingly, given the speculated savings on offer, less has been said about the potential implications of a channel shift (including subsequent cost implications) that arise as a result of certain groups being excluded from accessing the government services and information they require.

Digital-only delivery marks a fundamental shift in the way that individuals interact with the state. Whilst once used as a means by which to 'open-up' government services (when used in conjunction with traditional forms of access), when used to the exclusion of all other forms of access, e-delivery (and even to some degree assisted e-delivery) presents yet another barrier for those requiring services and may simply be a mechanism by which to deter those who need services from

accessing them. This is particularly true in relation to transactional services that address social welfare needs. Those who need such services are invariably less well placed to use the Internet to access them. As can be seen with respect to legal services and legal aid, the Internet provides both opportunities and challenges.

## 2.2 e-Government and Legal Services

The adoption of e-government in the delivery of legal services coincided with a wider transformation of the delivery of legal aid brought about by the 1999 Access to Justice Act. The act abolished the Legal Aid Board (LAB), who up until that point had been responsible for the policy and delivery of legal aid, and established the Legal Services Commission (LSC). The LSC was to exist as an arms length organisation, an adjunct to its funding body at the time, the Lord Chancellor's Department (LCD). Its function was to oversee two legal aid delivery mechanisms. The first was the Community Legal Service (CLS) (aka the Community Legal Advice (CLA)) which was to be responsible for legal aid in relation to civil justice matters. The second was the Criminal Defence Service (CDS), which would provide legal aid in relation to criminal matters. Whilst the LSC was responsible for the operational policy relevant to legal aid delivery, the LCD (and later the Department for Constitutional Affairs (DCA) and Ministry of Justice (MOJ)) was responsible for the broader strategic direction of justice policy.

As part of their duties, the LSC was responsible for the provision of legal information, advice and representation to members of the public.<sup>4</sup> This included providing the public with information about their rights and responsibilities. While there were many ways in which this statutory obligation could be discharged, offering online information and advice was one way of making law more accessible, whilst simultaneously keeping delivery costs low (LCD 1998, 1999, 2000). The

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<sup>4</sup> Whilst these concepts often overlap, Sandefur and Smyth (2011) provide a useful definition in stating that legal information includes simplistic/generalised information such as: “this is an eviction notice” and “hearings are scheduled within two weeks of filing” (2011:5). Legal advice is tailored to specific circumstances, providing guidance about how to proceed and what steps must be taken. For example, communications such as “you need to file an answer to the eviction making an argument about why you should not be evicted” or “you should appear at the hearing because, if you do not, you will be in default and lose your case (2011:6). At the next level, Sandefur and Smyth (2011) describe legal representation as involving a professional acting on behalf of another in a legal matter, whether in trial, in negotiations, or in communications relating to a legal issue (2011: 6).

Internet could widen access to legal information for those ineligible for publicly funded legal advice; additionally, online information and self-help could potentially negate the need for professional advice for eligible individuals in circumstances where their problem was sufficiently simplistic and they were willing to handle it alone.

Up until the establishment of the LSC, technology adoption in legal services had been considered relatively slow compared to other sectors; particularly within the supplier base (Susskind 2008) and in relation to back office processes such as procurement, supplier management and court procedures (NESTA 2007). Plans to 'Modernise Justice', as detailed in a document of the same name published in 1998, made very little mention of technology as the key to modernisation (LCD 1998). It was not until the following year, that technology began to occupy the legal services policy agenda, with the publication of the LCD's 1999 consultation paper 'Civil Justice: Resolving Disputes in the Information Age' (LCD 1999). The paper was the first to recognise the way in which the Internet might better enable 'legal self-help'; diminishing the need for face-to-face client/lawyer interactions for routine legal work which could be 'packaged and automated' making access to justice more affordable for those citizens who could not pay for the advice of a lawyer, yet were ineligible for legal aid (LCD 1999). Enabling access to legal information for simpler problems would necessitate, according to the LCD (1999), the development of search facilities and websites that would limit the difficulty individuals might otherwise face in obtaining information relevant to their problem. As a result, lay-friendly information relating to legislation, case law, court procedures and processes were earmarked for online availability. Among other reforms, the consultation proposed a civil justice online website, to act as a first port of call to anyone with a 'legal problem' and a portal to a huge array of online information (LCD 1999).

A year later the Lord Chancellors Department published the White Paper 'Civil.Justice.2000' (LCD 2000). Building on the earlier consultation paper, 'Civil.Justice.2000' placed greater emphasis on the use of the Internet for the independent resolution of problems, awareness of sources of advice and educating citizens as to the law (LCD 2000:4). To this end, 'Civil.Justice.2000' foresaw a future in which sufficient personal knowledge of rights, information obtained online and/or expert 'do it yourself' systems might enable those ineligible for legal aid (and to some degree those who were eligible) to circumvent consulting a lawyer

altogether. Crucially however, it was recognised that “for the foreseeable future there (would) be those for whom electronic access to information and advice (was) not realistic” and that “some people (would) continue to be much more comfortable with face-to-face or verbal communication” (LCD 2000:15).

### **2.2.1 Policy to Practice: A Digital CLS**

Efforts to realise the vision of a ‘digital’ CLS outlined in ‘Civil.Justice.2000’ commenced with the substantial development of the ‘JustAsk!’ Website launched in early 2000. Designed to serve as the point of entry for any member of the public, lawyer or adviser wanting to access the most up-to-date information about sites providing different types of legal services, the website also intended to provide greater coherence about legal services and improve ease of access for members of the general public seeking providers (LCD 2000). ‘Civil. Justice.2000’ intended to build upon the website, delivering information orientated around life-episodes, based on the original model emerging from a Singaporean approach to government web development emerging some years earlier (see Cabinet Office 2000b:7). Anticipated offerings included a network of legal advice practitioners available through the Internet for advice workers to consult and who would be ‘called up’ by the CLS website; facilities for citizens to ask for legal advice online with their query being forwarded to a suitable advisor for follow up; online legal guidance systems to inform people of their rights in an attempt to offer preventative legal assistance; systems to support voluntary workers; video conferencing to offer advice to individuals in remote/rural areas; and preventative legal guidance to better inform people of how the law might assist them and to promote ‘legal health’ (LCD 2000).

Not all of these objectives were realised, indeed some were arguably a little ambitious for their time. Video conferencing was not piloted until 2005 with evaluations demonstrating little benefit of videolink over telephone services (LSC 2005), and many of the ‘legal health’ offerings were not included until four years later, when the website underwent further redesign and rebranding to become [www.clsdirect.org.uk](http://www.clsdirect.org.uk) (LSC 2004a, 2004b). As part of the rebranding, the customer-facing service Community Legal Service Direct, was kept separate to its’ policy and strategy delivery agency the Legal Services Commission which maintained its’ own website [www.legalservices.gov.uk](http://www.legalservices.gov.uk). Alongside the new national information and

advice helpline (CLSDirect) the CLS website was updated to provide further advice on ‘common problems’ as well as a directory function to obtain details of local advisors and a legal aid eligibility calculator. Another three years later in 2008, this underwent another rebranding, changing to [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk) (LSC 2008) although content remained largely the same. In 2009 a few additions were made, including videos with signed versions of legal information for hearing impaired clients and the launch of the CLA ‘youtube’ channel to disseminate these and other information videos (LSC 2009a, 2009b).

Of course, given the overlap between the legal information work of the LSC and the work of other departments, the LSC was not the only provider of online legal material, with related innovations also offered by other Departments. In 2007 Her Majesty’s Court Service launched Money Claim Online – an Internet based service through which small claims disputes could be resolved; video-link advice was continuing; video plea and directions-hearings for Crown Court matters were in the process of piloting (LSC 2006, 2008, NESTA 2007, DCA 2006a). In addition, a new possession claim online scheme had been proposed to enable individuals to instigate possession proceedings for residential properties for non-payment of rent or mortgage (DCA 2006a); a national mediation helpline and website had been developed; and the LawWorks website aimed at delivering advice online via pro-bono law clinics for those not eligible for legal aid had also gone live (DCA 2004a, 2004b).

Strategically however, as NESTA (2007) noted, there appeared to be a lack of (at least publicly evidenced) direction for the future role of technology in the sector. Whilst ‘Civil.Justice.2000’ had presented its vision of the civil justice system in the future, the documents that followed barely made reference to technology at all. In 2005, the publication ‘A Fairer Deal for Legal Aid’, made only one reference to use of technology, stating that support would be given to the “development of new and more efficient methods of delivery to meet the needs of citizens for legal services that enable swifter resolution of problems at a reasonable cost e.g. Internet and telephone advice” (DCA 2005a:19). The follow-up to this, ‘The Future of Legal Services; Putting the Customer First’ (DCA 2005b) made no reference to technology. One year later, following Lord Carter of Coles’s review of the legal aid procurement system and the consultation period that followed (Carter 2006), the document ‘Legal Aid Reform: The Way Ahead’ avoided discussing the role that technology might

play in such services, despite the report's overall emphasis on delivering savings to the system, improving services for clients and providing better value for taxpayers (DCA 2006b).

A lack of recognition of technology was also evident in the four commissioned reviews of legal aid that took place between 1996-2006<sup>5</sup>, including: Lord Woolf's report (1996) looking at the civil rules and procedures including access to justice for the public; Sir Peter Middleton's (1997) report examining existing proposals for reform to civil justice and legal aid; Lord Carter's (2006) report assessing legal aid procurement with the intent of delivering best value for money; and Lord Magee's (2009) report examining legal aid delivery and governance. It was not until Lord Jackson's review of civil litigation costs in 2009 (Jackson 2009) that technology was afforded more than merely a passing reference, with Jackson noting the lack of coordinated IT strategy across the justice system. His comments were however confined to the back office procedures with little mention made of the role of technology in a public facing capacity, nor in respect of improving public access to justice or 'self-help' (Jackson 2009, 2011).

It seemed that whilst the LSC was making developments on the digital front as was evidenced by the various website iterations manifesting between 2000 and 2009, these developments were not guided by an overarching policy direction. In delivering the legal aid programme, the LSC's role was primarily to commission and evaluate the delivery of legal aid rather than develop its strategic direction. However, where it did speak of such matters independently, in broad keeping with the perspectives of the LCD/DCA (and later the MOJ), it conceived of technology as both a route by which to secure access to an advisor and a self-help tool intended for those who wanted to act on their own or who would not otherwise be eligible for legal aid (LSC 2006). But, by 2008/09 an economic crisis and a government commitment to realising public sector savings changed the direction of policy (Cabinet Office 2009). Although claims of continued effort to widen access to justice continued under Prime Minister Gordon Brown's leadership (LSC 2009a, 2009b, MOJ 2009b) this was overshadowed by a fixation on reducing the legal aid spend (Bach 2009, MOJ 2009a, 2009b, 2009c, 2009d, 2010a). Where it was once thought that Internet technology

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<sup>5</sup> In addition to the 30 separate consultation exercises that were reported to have taken place since 2006 according to the Ministry of Justice (2010x: Annex E). The majority of which were focused on changes to payments or payment processes.

might play a role in achieving this objective for all government departments including legal services, talk of technology in legal services appeared to disappear from the policy agenda. Plans for wide-scale changes to the provision of legal aid put forth by the Labour government made little mention of the role technology might play (Bach 2009, MOJ 2009a, 2009b, 2009c, 2009d, 2010a). The Labour government's proposed changes were never realised as a result of the outcome of the 2010 general election. The elected Conservative/Liberal Democrat coalition proposed far more severe cuts to legal aid (MOJ, 2010b, 2010c, 2011a, 2011b). All talk of investment in Internet technology and customer orientated public sector management was sidelined and a moratorium on all non-crucial IT expenditure subsequently imposed (Conservative Party 2010a, 2010b, Cabinet Office 2010, Cabinet Office 2011a, 2011b).

### **2.2.2 Legal Aid Reform**

Changes to legal aid proposed by the coalition government in 2010 were wide-ranging. The reforms planned to substantially limit eligibility for legal aid, and in some cases, to remove entire areas of law from scope, including advice relating to welfare benefits, debt, housing, family, education, employment and immigration<sup>6</sup> (MOJ 2010c, 2011b). Alongside this, in pursuit of cheaper modes of delivery, the telephone was to become the central gateway through which eligible individuals would access legal aid and legal advice. Initially this would apply to only four categories of law, before subsequent rollout across all remaining areas.

In justifying changes to legal aid, the coalition put forth a number of factors underpinning their rationale for certain areas of law or certain individuals being included or excluded from scope. Many of these criteria were familiar, having been used by the previous Labour government, for example: (i) the importance of the issue to the person bringing the case; (ii) an individual's prospect of success; (iii) the availability of alternative financing; and (iv) the public interest. To these, the coalition added a further criterion: (v) an individual's ability to present his or her

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<sup>6</sup> Debt would remain in scope where an individual's house was at immediate risk. Housing advice would remain where homelessness was a risk or health is threatened through serious disrepair. Family advice would remain where domestic violence can be established. Employment would remain in scope for matters related to employment discrimination. Immigration would remain in scope where asylum is sought or detention is involved. See further Ministry of Justice (2010a, 2010b, 2010c, 2010d, 2010e, 2011a, 2011b)

own case. It was subsequently noted by the Public Bill Committee (2011) that the reforms necessitated (explicitly and implicitly) that citizens would need greater knowledge of their rights and responsibilities and basic legal processes so as to facilitate a self-help mentality.

Self-help was not a new concept in relation to legal aid, having been consistently referred to in policy documents from 1998 onwards. Promoting legal self-help through the delivery of Public Legal Education (PLE) had been the subject of a nationally coordinated initiative emerging in 2004 (Advice Services Alliance, Citizenship Foundation and the Legal Action Group 2004, 2005), culminating in 2006 with the establishment of a Public Legal Education and Support (PLEAS) Task Force charged with creating a coherent focus and identity for public legal education (PLEAS Task Force 2007). Previous references to self-help had, however, conceived of its use, primarily in respect of simplistic problems (LCD 2000) and as a complimentary feature designed to assist those not eligible for legal aid (LCD 1998, LSC 2006). The coalition's reform programme implied, when taken in conjunction with changes to the scope of legal aid, that those individuals who had previously been considered a 'priority' case for publicly funded assistance under existing policy, would henceforth be expected to independently enforce their rights. There was little to justify this sudden improvement in the legal capability of the general public and nothing to suggest that the cases removed from scope had suddenly become easier for an individual to resolve without professional help.

In addition to this, whereas the promotion of self-help had previously been contingent on and complimented by adjunctive tools, with Internet technology one route to improving knowledge and promoting self-help, very little mention was made in the reform documents as to the role the Internet might have in hosting methods of dispute resolution, improving public knowledge of rights, and/or providing alternative legal advice and information no longer available through legal aid. These shortcomings led the Shadow Minister for Justice, Andy Slaughter, to state that if the government was to pursue significant cuts in the provision of professional advice, then they would need to be much clearer about the alternatives and how the public could access them (Public Bill Committee 2011).

The coalition government has only recently (many months after the legal aid changes have come into effect) elaborated on what role the Internet will play in assisting people to obtain legal information and advice. Whilst the Ministry of Justice

sees a role for the Internet in the delivery of legal advice and information for those now ineligible for legal advice, it is clear that it is not a role that they feel inclined to fulfill themselves. The ‘Online Legal Service’ recently developed by the Ministry of Justice serves two purposes. It enables those eligible for legal advice to register for ‘online advice’ and directs those ineligible for legal advice to external sources of information. It avoids directly providing legal information content and instead focuses on signposting individuals away from government services. Oddly, the Service competes with another signposting mechanism (the ‘Sorting out Separation’ site) developed by the Department of Work and Pensions (DWP) in response to the 2011 Family Justice Review (Ministry of Justice and Department for Education 2011). Both of these mechanisms shift demand for advice onto external organisations rather than seeking to provide guidance to users.

In the process of ‘digital rationalisation’, no effort was made to safeguard the content available on the CLADirect website. Having undergone three redesigns between 2000-2010, the site was disabled in 2011. Some content was initially integrated within the much larger direct.gov.uk website, resulting in the loss of a number of accessibility features and self-help resources (LSC 2010). As direct.gov.uk was integrated into gov.uk in 2012 there has been a further loss of legal information content. After ten years of funding, planning, design, user testing and development, a valuable public information resource has been reduced to nothing. It is difficult to justify this policy decision even in light of the digital rationalisation agenda and even accepting the fact that online content is often transient. These developments do however raise an important question: to what degree should a state be responsible for the provision of information to inform the public about their rights and responsibilities? And, by extension of this, what role can the Internet play in discharging this responsibility?

### **2.2.3 Constitutionalism and ‘Informed Citizenship’**

The extent to which a state is obligated to provide information related to a range of civil justice matters and to educate the public as to their rights and responsibilities, is a matter of debate. It is a debate that ties into the concept of ‘objective legal empowerment’. Objective legal empowerment is described as the extent to which a state offers a mechanism by which individuals can resolve private disputes. Whether

or not this requires the state to equalise access to these mechanisms (through the provision of legal aid or information and self-help materials) will differ according to prevailing political doctrine. For proponents of classical liberalism, the state does not need to offer any affirmative action in order to bring about ‘objective’ legal empowerment, or ‘access to justice’. The very existence of justice systems – irrespective of whether they are accessible to all members of society equally – is sufficient. As a philosophy based primarily on the individualistic nature of society, the classical liberal view posits that the state should have no interest in whether an individual can, in practice, recognise his or her legal rights and defend these. As a result, justice is accessed only by those who can afford it (Cappelletti et al. 1976). Such a system reinforces the priority of formal over effective access to justice (objective rather than subjective legal empowerment). However, a system cannot be said to be ‘objectively’ empowering if the majority of citizens are, in effect, disempowered by virtue of their economic or educational circumstances. As the constitution has evolved, this position appears increasingly at odds with principles enshrined in the rule of law, the Human Rights Act 1998 and more generally, the collective rather than individualistic nature of modern societies (Cappelletti et al. 1976).

Modern concepts of the rule of law suggest it is a fundamental aspect of the constitution of England and Wales that the law is accessible (Bingham 2007). Part of this evolution in our understanding of what accessibility means and how it might be achieved, is the shift from a belief that access is purely a procedural concept, to a belief that access should recognise the importance of ‘equality of arms’ (Rhodes 2001). Although the practical accessibility of the legal system has become more of a concern over the last century, the notion of ‘equality of arms’ has much earlier origins as a constitutional principle first expressed by Dicey in 1885. In order to achieve ‘effective justice’, rather than its tokenistic antipode ‘formal justice’ the state must take affirmative action to equalise imbalances between disputing parties. In his seminal 1974 paper ‘Why the Haves come out Ahead’, Galanter proposes that one particular root of imbalance is experience and familiarity with the law, legal processes and the obtainment of justice. The importance of ‘knowledge of rights’ to our constitutional principles has not been overlooked by members of the judiciary, most notably by Justice Burton in *R (Salih and Rahmani) v Secretary of State for the Home Department* [2003] EWHC 2273 (Admin)) who advocated that “It is a

fundamental requisite of the rule of law that the law should be made known. The individual must be able to know of his legal rights and obligations.”

Affirmative action to equalise imbalances between disputing parties in order to make justice accessible in principle and practice, may take many different forms. This has included the development of a legal aid system to provide publicly funded legal representation to qualifying individuals. In the absence of representation, the provision of information to help individuals better understand their rights and responsibilities and how to uphold these rights and responsibilities, should be deemed a minimum requirement. It is acknowledged that the provision of such information in isolation will not necessarily translate to improved legal capability (Barendrecht 2010, 2011, Barendrecht and Porter 2010). Nonetheless, in the absence of all else, it appears to be the very minimum ‘affirmative’ action we should expect from a state, especially since ‘informed citizenship’ is a barometer for democracy (Marshall 1950, 1964). This would suggest that this type of information is too important to leave to the whims of the marketplace, thereby placing responsibility for such content (loosely grouped under the moniker ‘Public Legal Education’) firmly on the shoulders of the state. Whether the state chooses to disseminate this information online or in other formats should be informed by reference to the appropriateness of doing so. When it comes to determining whether the state has a responsibility to provide information (whether offline or online) there is a strong case in the affirmative. Yet although recent changes to legal aid place increasing importance on PLE to equalise imbalances in power between disputing parties (especially where one side may have access to professional advice and one may not), PLE in all its forms (both ‘preventative’ and ‘just in time’) it has become a distant priority for the current government.

Whether recent policy decisions can be attributed to an underlying political agenda or the indifference of policy makers is not entirely clear. Nonetheless these developments imply that the public sector will play a lesser role in the online provision of advice and information regarding ‘civil justice problems’, whilst the public are required to do more to help themselves. These changes raise a number of questions as to the capacity of the public (particularly young people) to help themselves, the resources at their disposal and the limitations associated with these resources.

## 2.3 ‘Civil Justice Problems’ and Legal Capacity

### 2.3.1 The Experience of a Civil Justice Problem

Before exploring how and when people experience a ‘civil justice problem’ is it first necessary to clarify what it meant by the term. This research refers to ‘civil justice problems’ and in doing so, obscures the more nuanced definitional issues that arise as a result of this terminology. There remains much debate over the concept of ‘legal problems’, ‘unmet legal needs’ and ‘civil justice problems’ and what exactly each term constitutes. Early studies took the view that such issues were largely factual and open to statistical estimation. Work conducted in the 1970s (see e.g. Morris et al. 1973) and affirmed by work conducted in later years (e.g Hughes 1980, Genn & Paterson 2001) perceived ‘legal problems’ as not objective but subjective. That is to say that ‘legal’ problems were not inherently legal but became legal because they were assertions that of the available options for dealing with certain social problems, resorting to the law and legal services was considered the most appropriate. For this reason the Paths to Justice surveys (the precursors to the Civil and Social Justice Surveys referenced through-out this work) referred to ‘justiciable’ problems in an attempt to move the language of problems away from that of ‘the law’. In using the term ‘justiciable’, it was acknowledged that while the problem engaged one or more legal right, the problem did not necessarily have to be solved through use of legal infrastructure. Hence, fieldwork for the Paths to Justice studies (and the studies that followed) made no reference to law or ‘legal problems’ in them. This research refers to the term ‘civil justice problem’ and ‘legal problem’ simply for ease of understanding from the perspective of the reader, although it should be acknowledged that use of this terminology is not intended to convey the sentiment that use of the law is necessarily the best means of resolution of problems of this nature. The use of the term ‘civil justice’ and ‘legal problem’ is simply intended to convey to the reader an understanding that the problems discussed, engage legal rights.

Findings from Wave 1 of the 2010 Civil and Social Justice Panel Survey (CSJPS) indicate that 33 per cent of residents in England and Wales have experienced one or more civil justice problem in the eighteen-month reporting period preceding the survey. Of the problems reported, issues concerning neighbours,

consumer transactions, employment, money, debt, welfare benefits, personal injury and rented housing are of greatest prevalence (with each problem type reported by between 9.4 to 3.8 per cent of the population). The remaining problems associated with: relationship breakdown; education; owned housing; clinical negligence; domestic violence; and care proceedings, are each reported by less than 2 per cent of the population (Pleasence, et al., 2011). 8.1 per cent of reported problems involve discrimination.

The experience of these problems is not evenly distributed amongst the population. Those more vulnerable to social exclusion tend to report more problems than others, with lone parents, those on benefits, those with a long term limiting illness or disability, those with mental health problems and victims of crime reporting multiple problems more often than others. As it relates to young people, Balmer et al's (2007) analysis of Civil and Social Justice Survey data highlights that young respondents aged between 22 and 24 experience a greater number of problems associated with employment, rented housing and neighbours, with the youngest respondents (18-21) demonstrating a marginally higher percentage of discrimination problems. The incidence of problems related to rented housing and homelessness is particularly acute for socially isolated younger respondents, with employment, homelessness, rented housing and money/debt problems demonstrating a tendency to cluster.<sup>7</sup> Characteristics seen to contribute to experiencing a civil justice problem for those aged 18 to 24 years include being the victim of crime, having a long-term illness or disability and living in high-density housing. Balmer et al (2007) have also found that 'socially isolated' young respondents (those not living in households containing adults over the age of 24) report problems with much greater frequency at a rate of 47 per cent compared to 30 per cent of other young respondents.

Previous research has highlighted that handling problems of a legal nature can lead to adverse economic and health outcomes (see e.g. Pleasence et al. 2011). Individuals commonly report a number of adverse outcomes as a result of experiencing a civil justice problem including: not having enough money (7%); stress related ill-health (6.7%); not knowing ((their own) or someone else's) rights (6.5%), a loss of income (5.7%); physical ill-health (3.6%); and a loss or change of employment (3%) (Pleasence, et al., 2011). The propensity for an individual to

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<sup>7</sup> The authors urge some caution in these figures on account of the small numbers of respondents.

experience an adverse outcome will depend, in part, on how individuals handle the problem they face, their decision-making and help-seeking skills, their legal capability, their coping and support systems and their resilience and tenacity. For young people, who are still undergoing cognitive development, many of these skills are unformed and this may impact on the extent to which they are comparatively disadvantaged when it comes to resolving ‘civil justice problems’.

### **2.3.2 Young Adult/Adolescent Help-Seeking for Problems**

Adolescence is defined as a period when biological, cognitive, psychological and social characteristics are changing in an inter-related fashion. Typically, this period has been said to occur between the ages of 12-24 (Piaget 1972, Curtain as cited in World Bank 2003, World Bank, 2011) and while this might be true in a biological sense, psychological and social changes may span a far longer time period due to various factors, including cultural influences (Piaget 1972).

One of the crucial aspects of adolescent development is the formation of capacity to reason and this reasoning will inform subsequent decision-making behaviour. Decision-making involves a number of cognitive processes, including: information search and processing (e.g. to explore what options are available), problem solving (finding a solution to a decision dilemma), judgment (evaluating options and the credibility of the information source), learning (e.g. recognising the binding nature of commitments), and memory (recalling relevant information about how to handle similar decision problems) (Mann 1985). The development of specific decision-making competencies is dependent on both cognitive change and substantive knowledge in areas about which decisions are made (e.g. the law, family, friends, health, university) (Chi et al. 1982, Messick 1984).

In the area of civil justice, decision-making capacity influences how individuals handle problems. While a number of decision-making frameworks have been proposed, Mann et al’s 1989 work is a well known approach to understanding the process. In it, the authors propose nine characteristics of relevance in decision-making competence, including: (i) willingness to make a choice; (ii) comprehension of the nature of decision-making (metacognitive understanding); (iii) creative problem-solving; (iv) the ability to compromise; (v) an understanding of the

consequence of certain choices; (vi) correctness of choice (the ability to understand that some choices are more correct than others through a process of logical reasoning); (vii) the ability to assess the credibility of alternative options; (viii) consistency in decision choices; (ix) commitment to the decision made.

Research has highlighted that adolescents are less competent in some aspects of decision-making than in others. In particular, young people appear less capable of identifying a range of risks and benefits (Kaser-Boyd et al. 1985, Helpman-Felsher and Cauffman 2001, Beyth-Marom et al. 1993), foreseeing the consequences of novel alternatives and critically assessing the credibility of information provided by 'experts' (Lewis 1981). Mann et al (1989) posit that this may be associated with a lack of experience rather than the biological and psychological aspects of adolescent development. The same authors also note that confidence in decision-making is brought about, in part, by an individual's ability to participate in the process of making decisions. There is however, some disagreement as to the competence of young people with respect to decision-making. So, whilst, Kaser-Boyd et al. (1985) have found young adolescents to be as competent in making decisions as older adolescents, other studies have judged the overall competence of adolescents as 'not particularly high' (Lewis 1981); leading most to conclude that decision-making ability develops with age.

The degree to which a young adult turns to others for support may offer insight into the extent to which individuals feel capable of handling their problems alone. This will hinge on whether young people are delegating problem-solving/decision-making to others or seeking advice as a pre-cursor to handling the problem alone (Acquilino 1997). In developmental psychology, the extent to which young people rely on their parents to resolve/assist in problem solving offers insight into an individual's level of autonomy (independence of thought and behaviour). Autonomy is linked to both relatedness (the extent to which individuals rely on the help and support of others) and self-esteem (belief in the capacity to undertake certain tasks). Perhaps ironically, those with the best support structures are often most confident in their ability to handle certain problems or situations (O'Conner et al. 1996). Individuals raised in an environment without such support structures are not inevitably more self-reliant. Contrary to this, the absence of support can entrench these individuals in a cycle of disempowerment. Confidence stems from the extent to which an individual's psyche represents a balance between autonomy (independence

of thought) and relatedness (reliance on others). Young people with a high degree of relatedness but a low degree of autonomy may be overly dependent on parents, friends and family, those with a high degree of autonomy but a low degree of relatedness may lack sufficient emotional support to make the correct decisions. There is a difference therefore, between those who seek support and guidance and those who seek to delegate problem solving to others. The former suggests adaptation to the responsibilities required of autonomy in young adulthood, the latter suggests maladaptation and disempowerment (O'Conner et al. 1996).

The age at which an individual feels empowered to embrace their decision-making capabilities, will vary according to a number of characteristics. In the United States, studies exploring the help-seeking behaviour of young adults who have recently left home for college (university) have previously found that young adults remain dependent on the support, encouragement and guidance of parents (Kenny 1986). In relation to help-seeking for serious problems, females in Kenny's (1986) study were more likely to obtain support/guidance from their parents 'quite a bit', males 'a moderate amount', with both genders 'somewhat' likely to delegate their problems to parents. Females also reported a higher incidence of seeking support/guidance from parents from the offset ('quite a bit' for females and 'a moderate amount' for males). Help seeking from professionals remained uncommon, representing the least desirable option for both genders. When it came to solving problems alone, males did so 'a moderate amount', while females did so only 'somewhat' (Kenny 1986).

When it comes to 'civil justice problems', research has found that although young adults most often handle their problems alone (28.8% of problems) they also commonly rely on non-professional sources of advice (e.g. family and friends) (25.9% of problems). Young people also tend to rely on non-professional advice more often than other age groups. For example, those aged 25-34 seek non-professional advice for 17.1 per cent of problems, those aged 35-44 seek non-professional advice for 13.1 per cent of problems, for those aged 45-59 the rate diminishes to 12.4 per cent of problems, down to 11.2 per cent for those aged 60-72 (Balmer 2013). Nevertheless, despite a tendency towards handling their problems alone, or with the assistance of non-professional advice, young people still demonstrate reasonably high rates of failing to act when faced with a problem. So while 27.4 per cent of those aged 16-24 do nothing when faced with a civil justice

problem, this is true of only 15.4 per cent of 25-34 year olds, 8.5 per cent of 35-44 year olds, 15.3 per cent of 45-59 year olds, 19.6 per cent of 60-74 year olds and 12.7 per cent of 75+ year olds. What encourages an individual to take action may depend on a number of interrelated factors. One factor recently established in the research literature is the extent to which the problem is viewed ‘emotionally salient’ or ‘personal’. So in the CSJPS, those who define the problem they face as one, which engages ‘morality’, are more likely to act to resolve it than those who do not define the problem in the same way (Balmer 2013).

This finding reflects broader research in the area of adolescent help-seeking which has found that sources of advice differ depending on the nature of the problem an individual is facing, with differential coping strategy remaining a function of problem-type (Seiffge-Krenke 1993, Wintre and Crowley 1993). More specifically, it has been found that adolescents dealing with impersonal or interpersonal problems turn to friends, while those dealing with personal problems turn to close relatives (Wintre et al. 1989). Other studies exploring help seeking for psychological problems have found that young people commonly turn to peers or family members in respect of problems of a sensitive nature, but vary rarely turn to professionals (Rickwood 1992<sup>8</sup> cited by Boldero and Fallon 1995). However, for socially excluded young people or those not living with an adult over the age of 24, problem-solving behaviour does differ, suggesting that where a lack of immediate social support structures exist, young people are more likely to demonstrate a greater demand for professional advice and lesser inclination to handle their problem alone than other 18-24 year olds (Balmer et al. 2007). For socially isolated young people, receiving this advice makes a greater positive difference to the outcomes they achieve in respect of their problems, perhaps because they lack the support structures or capabilities that might otherwise facilitate self-help (Youth Access 2009). This ties into the autonomy/relatedness concept proposed by O’Connor et al (1996) in establishing a link between low levels of support and low levels of problem-solving empowerment.

When it comes to advisors, while there is some research exploring the rates at which young people with ‘civil justice problems’ utilise particular advisors, there is relatively little research exploring why certain sources of advice are favoured and

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<sup>8</sup> Unpublished PhD Thesis, original source not viewed.

what young people hope to gain when seeking both professional and non-professional advice. For example, parents may be preferred as a source of advice because they may accept delegation of the problem, freeing the individual from having to deal with a difficult problem alone, particularly in the case of 'legal problems' where an imbalance of power between the parties may exist. Alternatively, friends may offer greater 'judgment free' counsel: a sounding board to clarify the nature of the problem before an individual decides how to approach resolving it. For those with neither friends nor family to turn to (socially isolated individuals), seeking advice from a professional may be the only support available.

While less is known about the motivations underlying particular choices in advisor, a young person's help seeking strategy and their use of advisors (professional and non-professional) will be influenced by their decision-making competence and the confidence they feel in making difficult decisions without guidance (Mann et al 1989). A young person may be confident in making decisions in respect of certain areas of their life, or with respect to certain problems that arise. However, decision-making competence does not apply equally across all subject areas and this is true of both adults and adolescents (Chi, Glaser and Roes 1982, Messick 1984). Decision-making competence is a form of subjective empowerment, but as Chi, Glaser and Roes (1982) and Messick (1984) note, subject matter has an influence. When it comes to legal help seeking and legal decision-making, confidence can often falter on account of the way in which the law is often viewed as an intimidating and unfamiliar concept by lay individuals.

### **2.3.3 Subjective Legal Empowerment**

In the context of 'civil justice problems', 'subjective legal empowerment' describes the extent to which an individual (subjectively) feels confident that they are able to resolve a legal dispute should it arise (Barendrecht and Porter 2010). It is therefore set apart from 'objective legal empowerment', which is concerned with the extent to which a State offers certain legal remedies/dispute resolution mechanisms. While there is of course overlap between objective and subjective legal empowerment, concentrating on the subjectivity of legal empowerment takes into consideration the fact that an individual's perception of the justice system may differ from reality.

The ingredients that constitute subjective legal empowerment are not

definitive, nor will they be necessary for every individual, in every case. An individual's underlying psychological state, confidence, self-esteem, and decision-making competence will all play a role (and this will be influenced, in part by an individual's age), but legal empowerment also relies on a number of other factors brought to bear when resolving a legal problem. Barendrecht and Porter (2010) suggest that an individual must feel that they have: sufficient resources at their disposal (financial, intellectual, emotional or otherwise); requisite skills (whether this involves writing letters of complaint, negotiating with the other party; fortitude to handle the emotional distress involved); a perception that power is evenly balanced between the parties, or where it is not, that this imbalance is not so overwhelming as to negate all prospect of success; and a belief that the institutions designed to protect rights and adjudicate the problem are fair, transparent, unbiased and accessible (Barendrecht and Porter 2010). In this way, subjective legal empowerment is a composite of the perceived fairness of the legal system and an individual's perceived personal legal capability.

The extent to which individuals' are able to characterise their problems as legal and the extent to which they know their rights in relation to one or more 'legal problem', while related, is not a perfect measure of legal capability. As Barendrecht and Porter's (2010) classification suggests, legal capability relies on more than just knowledge. Nonetheless, the extent to which a population is aware of their legal rights, does tie into 'legal capability' (and *ipso facto* legal empowerment). Insofar as knowledge of rights is concerned, the existing research paints a stark picture. It has previously been acknowledged in a number of jurisdictions that people tend to have poor legal knowledge, literacy and communication skills (Coumarelos et al. 2013).

Individuals identified as 'disadvantaged' (including homeless people, people with a mental illness, prisoners, people with debt problems, marginalised youth and vulnerable workers) are more commonly associated with lower levels of legal capability. Although low levels of legal capability have been observed across all socio-demographic groups (Denvir et al. 2012). Previous studies have found disadvantaged groups are often less well informed about their legal rights, legal remedies and the justice system. Studies have also highlighted individuals often lack the skills and psychological readiness required to achieve legal resolution. This has included poor literacy, language or communication skills; feelings of despair, hopelessness or being overwhelmed; feelings of being unworthy or undeserving of

justice; being afraid, intimidated by or distrustful of the legal system; more pressing basic needs (e.g. accommodation, food or financial needs); and ignoring problems until they reach crisis point. Characteristics associated with low levels of legal (rights) knowledge have been identified as low income, low levels of education, disability, mental illness and living in rented housing (Coumarelos et al. 2013).

In the area of employment law, research has shown vulnerable workers<sup>9</sup> more frequently lack knowledge of their rights at work (Casebourne et al. 2006), while Kim (1999) and Pleasence and Balmer (2012) have found that understanding of the law is often based on perceptions as to what the law should be rather than what it actually is. In family law, both Barlow et al (2005) and Tennant et al (2006) have found that those cohabiting lack knowledge of their rights. Genn et al's (2006) work on tribunal users also demonstrates that knowledge of tribunal processes appears low, particularly in relation to challenging decisions. While Maclean and Eekelaar (2005) and Kim (1999) have found that people often misperceive the legal risks arising in certain situations.

Young people aged 18-24 tend to lack of knowledge of their rights more often than other age groups with the exception of those aged over 75 (Balmer et al. 2007). Qualitative research conducted by Parle/IARS (2009) found that young participants, particularly those from disadvantaged and marginalised backgrounds, demonstrated little or no knowledge of most basic rights and entitlements and seemed unaware of any system of civil law to which they had recourse. Ruck et al (1998) has illustrated weak understandings of universal rights amongst adolescents and children living in the United States, and research in England and Wales also indicates poorer levels of knowledge amongst younger citizens (Youth Access, 2002). Even among those who think they know their rights, these beliefs are not always accurate reflections of the law (Coumarelos et al. 2013, Denvir et al 2013, Pleasence and Balmer 2012).

In addition to a lack of knowledge (or perhaps as a result of it), individuals often fail to recognise a problem as being legal in nature, making signposting to sources of advice a challenge (Pleasence et al. 2010b). This has an impact not only on the type of assistance individuals seek, but may also impact the extent to which their self-help efforts are successful. Whilst Public Legal Education (PLE) initiatives have (to varying degrees) been on the policy agenda for a number of years, legal

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<sup>9</sup> Described as young workers, those without a human resources department and non-union members.

education initiatives have not gained the same momentum as other initiatives in the domain of, for example, personal finance education (Denvir et al. 2012). Perhaps due in part to the fact that, as Saunders observed in 1974, very little is known about how people acquire knowledge of the law and their rights, making it difficult to discern the role that social policy interventions may play in addressing knowledge gaps. Although nearly four decades have since past since this statement was made, no consensus has been reached on the matter. Gies (2008) has suggested that much of the responsibility for informing the public as to the law has fallen to the media. It is a theory affirmed by Saunders' (1975) earlier research in relation to the public's knowledge of family law, where print and broadcast media were found to play the most significant role in informing the public, and as Robbennolt and Studebaker (2003) contend, influencing their litigiousness. Barkun (1973) has, however, suggested sociological origins, stating that knowledge of the law is acquired through legal socialisation. Level of educational attainment is thought to play a role (Parle/IARS, 2009) but international studies also indicate a connection between social class and knowledge of rights, notably Williams and Hall's (1972) study in Texas, which established a link between higher social status and knowledge of rights.

Of course, there is difficulty measuring legal capability (and by extension of this legal empowerment), simply by reference to whether an individual understands the problem as legal and knows their legal rights. It may be that knowledge of rights is less important than an individual's capacity to acquire knowledge or to characterise a problem through discussion with friends, family, professionals, or the use of (online and offline) reference material. The extent of a populations' 'subjective legal empowerment' cannot be measured by reference to how many people handle their 'legal problems' alone. Many of those who handle their problems alone are ill equipped to do so or lack alternatives. Conversely, seeking professional advice should not be viewed as evidence of disempowerment – in many cases seeking advice is an appropriate resolution strategy.

As the availability of legal aid has narrowed, there has been increasing emphasis placed on the need for individuals to empower themselves through legal self-help and informal justice, rather than through reliance on professional advice and the formal legal system. Whilst aligned with the notion of 'the big society' – a society in which the public sector is responsible for providing less, while individuals are responsible for doing more to help themselves and their community - the idea

that the government is pursuing a policy of a more ‘empowered’ public has never been publicly stated as a justification or rationale underpinning the changes to legal aid. A more cynical view would be to consider LASPO as a deliberate attempt to thwart what the present government has viewed as a prevailing ‘compensation culture’: a culture in which individuals take claims too far, too often and with too little regard for the impact upon public resources (see e.g. Morris 2007, Ministry of Justice and The Rt Hon Kenneth Clarke QC MP 2011). Such a perspective might perceive the changes to legal aid as less of an effort to promote empowerment and more of an effort to reduce legal action whilst ensuring that the state still meets its’ obligations under the Human Rights Act 1998. Certainly this work would not be the first to suggest as much (see e.g. Smith 2012) and particularly within the field of family law where changes to legal aid have been coupled with a push to encourage out of court dispute resolution mechanisms, it would appear that the cynical view is more persuasive. This is further supported by the fact that a move towards ‘empowerment’ could only sensibly be achieved by greater government funded PLE at least in the interim until its provision was better support by emerging ‘Big Society’ community organisations.

Irrespective of the way in which changes to legal aid are perceived, whilst they may (in principle) safeguard ‘objective legal empowerment’ by leaving the justice system open to the public in the sense that the system still exists, this does not translate to ‘subjective legal empowerment’. Setting aside those who do not simply abandon their claim, a reduction in legal aid will force greater self-reliance, but one must be careful to conclude that this will equate to greater legal capability. That said, if individuals are going to be expected to fight their own legal battles more often, it is necessary to assess the tools they may have at their disposal. The Internet is not the only tool available for those with ‘civil justice problems’, nor is access to it evenly distributed. Nonetheless, as an information resource, its role in the resolution strategies of the public is likely to grow in significance. Having reflected on the development of e-government and e-services from a political, public policy and economic perspective, it is necessary to explore the intersection between technology and justice from a user perspective.

## 2.4 Civil Justice and the Internet

Over the last decade the Internet has played an increasingly important role in the resolution strategies of many of those facing ‘civil justice problems’. Of all rights problems in the 2001 CSJS (then called the Survey of Justiciable Problems, see Pleasence et al. 2004), respondents sought information or advice from the Internet for just 160 of 3,908 problems (4.1%). By the 2004 CSJS, this percentage had increased considerably, with respondents seeking help from the Internet for 283 of 2,705 problems (10.4%) (Pleasence 2006). Over the course of the final CSJS, use of the Internet for advice or information for rights problems had increased further, from 14.1 per cent in 2006 (267 of 1,892) to 15.6 per cent in 2007 (343 of 2,200) and 17.7 per cent in 2008 (358 of 2,024) (Pleasence et al. 2010a). Figures from the 2010 English and Welsh Civil and Social Justice Panel Survey found continued growth, with respondents having tried the Internet for 348 of 1,828 problems (19.0%) (Pleasence et al. 2011).

This increase may not be as a result of more individuals trying to handle their problem alone. Not all those who use the Internet, do so with the intent of independently resolving their problem, with many using it in order to locate offline sources of advice (Denvir et al. 2011, 2014). The idea that people use the Internet, only as a glorified information directory is supported in the existing online information seeking literature. Rose and Levinson’s 2004 study which analysed search logs from the Alta Vista search engine, found that 40 per cent of search queries were not ‘information’ orientated, with a large proportion of ‘information’ orientated queries intended to locate a service or product, rather than learn about it. That said, there are certain groups (notably young people) who do use the Internet for the purposes of obtaining ‘information to help solve’ their ‘legal problem’ (see e.g. Denvir et al 2011, Denvir and Balmer 2014). Their success in obtaining this information will depend in part on: (a) the availability of this content, and (b) their capacity to access, understand and apply this content to their particular legal dilemma.

### 2.4.1 Legal Information Online

In recent years there has been a proliferation in the availability of information online. The content and construct of online resources run the gamut from: mere signposting mechanisms which direct users to third party websites; to aggregator sites which lead users to specific content provided on specialist pages; to websites which offer content in the form of downloadable brochures; to 'journey' websites which make the most of the Internet's capacity for interactivity by utilising decision-trees and drills-downs to narrow content, presenting only that which is most relevant to the user (Smith and Paterson 2014). In the field of legal services, resources have been provided by a range of government agencies, including central government ([www.direct.gov.uk](http://www.direct.gov.uk), [www.gov.uk](http://www.gov.uk)), the Legal Services Commission ([www.cladirect.org.uk](http://www.cladirect.org.uk), [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)), the Department of Work and Pensions ([www.sortingseparation.com](http://www.sortingseparation.com)) and the Office of Fair Trading ([www.consumerdirect.gov.uk](http://www.consumerdirect.gov.uk)), to name but a few. The effort to provide these resources in England and Wales has echoed the efforts of other jurisdictions. Whilst the quality of sites vary, an Australian site run by the New South Wales (NSW) government called Law Access ([www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)), a similar offering provided by the government of New Zealand ([www.lawaccess.govt.nz](http://www.lawaccess.govt.nz)) and the Dutch Legal Aid Board's Rechtwijzer website ([www.rechtwijzer.nl](http://www.rechtwijzer.nl)) have recently been identified as three examples of good practice, although it is only the latter which has truly refined the interactive delivery of applicable content (Smith 2013, Smith and Paterson 2014). Other initiatives deployed overseas include online employment law toolkits produced by the Ministry of Labour in the Canadian province of British Columbia (Ministry of Labour 2010) and the A2J toolkit in the United States which enables courts and legal service providers to develop web-based document assembly interfaces which can be used by self-represented litigants to independently complete and collate legal paperwork (Kirby 2008).

While a number of online resources have been provided by the government, the commercial sector has also capitalised on the Internet as a new market for legal services, albeit not always with the intent of assisting those with social welfare law problems. Barendrecht (2010, 2011) offers an explanation for this in suggesting that as a 'public good', the provision of 'legal information' is difficult to commoditise. Once the initial outlay in producing the information has occurred (e.g. building a

website) it is difficult to stop the distribution of content and re-coup an initial investment. Many of the actors in the commercial online legal services space have therefore sought to tailor the provision of information or services to offer more bespoke ‘self-help’. In the field of paid-for resources, there has been increased supply of ‘unbundled’ legal services; that is, services where individuals can purchase part-assistance (e.g. template letters, guidance on legal processes and ‘self-help’ legal toolkits) by providers such as Rocket Lawyer and ZoomLegal. In some cases, these services have been targeted at individual civil justice matters, for example DIY divorce packages, thus limiting them to circumstances where a legal dispute does not exist and the assistance required is more administrative than arbitral.<sup>10</sup> For the most part, commercial enterprises provide information, only where it acts as an extended advertisement for the need to get professional advice from the company, or where the service can be unbundled and commoditised. In the case of the latter, this has typically limited services to business needs such as the provision of tenancy agreements or other pro-forma such as standard employment contract templates. While certain commentators have steadfastly extolled a belief that the legal services market will end up commoditised as a result of the Internet (see e.g. Susskind 2005), it is questionable whether this is true of legal services provided within the realm of social welfare law or only applicable to the commercial and/or business sectors.

While the government and the Commercial sectors have offered some legal information and advice content, in the realm of social welfare law, it has primarily been the third sector that has risen to the challenge. Major players in the provision of such information include the Citizen’s Advice Bureau (CAB) which has a website dedicated to self-help material and guidance to resolve ‘civil justice problems’, entitled ‘AdviceGuide’. In a similar vein, information is available from Advice Now, Shelter and the Money Advice Trust. There has also been the development of specific resources for young people by third sector organisations. Examples include: ‘LawStuff’, an advice site developed by the Children’s Legal Centre (<http://www.lawstuff.org.uk>); ‘the site’, an information website run by YouthNet, an independent charity (<http://www.thesite.org>); Childline, traditionally a phone based information and advice service which also has a website containing information (<http://www.childline.org.uk>). The influence of the third sector in the online space is

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<sup>10</sup> See for example, <http://www.divorce-online.co.uk/>

set to grow further as the provision of online legal information becomes an increasingly distant priority for the government. Whilst these organisations have recognised the potential of online information and advice to widen access to justice, they have been conscious of the fact that the Internet may exclude certain communities through the creation of 'digital divides'. So although over the last few years the government has been keen to push all services to digital formats (see e.g. Cabinet Office 2009, 2010, HM Government 2010), the third sector has reasoned that digital services should compliment but not replace traditional modes of access.

Discussions regarding the limitations of Internet use for any problem-solving endeavor (not just 'legal problem' solving) have revolved around two concepts – the first and second digital divide. The first digital divide is associated with physical access – that is, the availability of the Internet, primarily in the home. Physical access is also said to extend to issues around website design that cater to specific populations who may have difficulty interacting with computers in a traditional sense. The second divide is a more recent extrapolation of the first digital divide, which seeks to move beyond access to determine how issues of 'equipment, autonomy, skills, support and purpose' shape successful interaction online (DiMaggio et al. 2004). In essence, it examines barriers associated with an individual's capacity to use the Internet as an information resource, as well as their willingness to do so (Attewell, 2001; Zhao and Elesh, 2007).

#### **2.4.2 The First Digital Divide**

As Internet access continues to grow, the impact of the first digital divide has diminished in severity (DiMaggio et al. 2004). According to the 2011 Oxford Internet Survey, 73 per cent of households in Britain surveyed had access to the Internet, an increase of three per cent from the previous 2009 survey and 15 per cent from the commencement of the survey in 2003 (Dutton et al. 2009, Dutton and Blank 2011). However, it remains that Internet access is still unevenly distributed and although 99 per cent of the population is connected to a broadband exchange, as of 2010, 1.5 million households in rural areas still remained with no or limited broadband connectivity (Downing 2010, ONS 2011a). Although competition in the provision of broadband services has kept prices low, there remains a strong and statistically significant association between the social disadvantages an individual

faces and their inability to access and use digital services (Helsper 2008). Of the 12 million individuals identified as non-users of Internet services, 4 million have been said to be society's most disadvantaged (HM Government 2010). Those earning under £12,500 a year are less likely to report Internet access at home and are more likely to rely on access at a friend or family member's home, on a mobile device or at a public library (Dutton and Blank 2011). It remains that those most reliant upon government services are typically lacking Internet access, particularly those who are unemployed, of poor education, disabled and/or elderly (Helsper 2008). For young people aged 18-24, the contrast between the access available to the socially isolated compared to the non-socially isolated is stark. 71 per cent of non-isolated young respondents report access to the Internet at home compared to only 39 per cent of socially isolated young respondents (Balmer et al. 2007).

Home broadband access is not the only route to online connectivity, with devices such as Android mobile phones and portable tablets opening up Internet access to a wider population (Dutton and Blank 2011, Hill 2010), including a more diverse population (Donnar et al. 2011). This next generation Internet access poses challenges of its own, related less to actual access and more to the design of websites in such a way as to make them compatible with a range of devices. As technologies improve and mobile phone Internet access becomes more widespread, website design invariably becomes more complex, due to the range of devices individuals are using to access the Internet and the diverse capabilities of these users.

#### **2.4.3 The Second Digital Divide**

There have been some who have argued that the impact of the digital divide on access to justice can be overstated. Those without access invariably obtain access by proxy, through advisors, and presumably through friends and family members. Setting aside the fact that an individual who goes to an advisor is not just benefitting from the Internet, but is also benefitting from the advisor's ability to interpret the information they obtain online, the impact of digital divides will be understated if the sole focus is one of access. Attention must be paid to other factors that impact upon an individual's willingness to use the Internet for the purpose of (in this case) information seeking, as well as their ability to do so - a concept referred to as the 'second digital divide' (Hargiatti 2002).

#### 2.4.3.1 *Willingness to use the Internet for ‘Civil justice problems’*

As has been noted, the second digital divide has often focused on individuals’ capacity to use the Internet, but their willingness to do so is equally important, particularly where resources are being invested in online services (irrespective of who is doing the investing). Insofar as ‘civil justice problems’ and the Internet are concerned, an individual’s capacity to use the Internet for ‘legal problem’ solving is an issue that exists in conjunction with their capacity to self-help. Willingness to use the Internet has been linked with technological aptitude and education level (Dutton and Blank 2011, Isk et al. 2005, Campbell and Wabdy 2002), while willingness to self-help in the face of ‘civil justice problems’ has been previously associated with problem severity, knowledge of rights, education level, motivation and confidence (Giddings and Robertson 2003, Denvir et al. 2012, Buck et al. 2008, Balmer et al. 2010).

Eynon and Malmberg (2011) and Cheong (2008) have identified that limited use of the Internet for the purposes of information seeking is linked to a low assessment of personal technical aptitude and a lack of home access. Socially excluded groups have been shown to be often unable or unwilling to access the Internet for advice (Greater London Authority 2002, Michael Bell Associates 2007) and disadvantaged youths are less likely to use the Internet as an information resource than other youths (Princes’ Trust 2004). However, even those with willingness and physical access can struggle to derive the anticipated benefits of online activity (Parle/IARS 2009, EdComms 2007). Particularly if relevant services are difficult to locate (Scott 1999), these individuals do not possess the skills to maximise their use of the Internet (Eysenbach and Kohler 2002), and/or are not aware of what the Internet can do (Greater London Authority 2002). For example, as noted previously, use of the Internet for ‘civil justice problems’ has been shown to be far less common among younger respondents (Denvir et al. 2011), particularly socially isolated young people (Balmer et al. 2007). Despite the widespread assumption that young people possess greater Internet know-how, previous research indicates that young users may not always see the Internet as a source of information or advice; more often considering it a ‘toy’ or a ‘game’ (Nicholas et al. 2003, EdComms 2007, FSA 2005). In the field of health, there is evidence that young people do make use of online health resources although not necessarily more often

than older population groups (see e.g. Borzekowski and Rickert 2001, Nicholas et al. 2003).

Although young people prefer electronic materials to printed materials when information seeking (Agosto and Hughes-Hassell 2005) when it comes to the provision of advice they tend to express a preference for traditional forms of service delivery and this has been attributed to their difficulty establishing trust in online advisors (Garvey et al. 2009). The Financial Services Authority (2005) have also identified that young people prefer to obtain advice from parents or face-to-face services. In respect of the wider population, when directly asked about preferences for mode of advice, Estabrook, Witt and Rainie's (2007) study as part of the Pew: Internet and American Life project, identified that individuals are less willing to acquire legal information online (36%) than they are to obtain information/advice from a professional (76%) or family/friends (48%). The authors speculate that individuals may be motivated to use the Internet where the task involves simply ascertaining information, but resort to other advice delivery formats (face-to-face or telephone contact) in the resolution of more personal issues. This would reconcile with studies in the information sciences, where Bilal (2000) has found that younger users are more motivated and inclined to use the Internet in preference to other resources when their goals are orientated towards collecting information. It also reconciles with the findings of Wintre et al. (1989) and Kenny (1986) who explore adolescent advisor preferences for major and minor problems.

Even where willingness to use the Internet for the purposes of self-help exists, this is not always complimented by the capacity to use it. Acquiring information from the Internet is not necessarily as easy as is ordinarily assumed, nor is it simply about technological know-how. An individual using the Internet as an information resource must not only have the ability to distinguish between reputable sources of advice, but must be capable of characterising their problem and formulating appropriate search terms before they get to stage of selecting relevant material and applying this to the problem at hand.

#### 2.4.3.2 *Formulating a Search*

There is a wide range of literature examining how individuals resolve problems, this includes some of the more general formulations as discussed in Section 2.3.2, as well

as more specific online problem-solving theories that have been developed to explain how individuals interact with the Internet when problem solving. There are similarities between how online information seeking has been understood. For example, the ‘five stage process of information searching’ has been put forth as a broad description of the skills required to solve an informational need, drawing on the work of a number of authors (Guthrie 1988, Rouet 2006, 2009, Rouet and Tricot 1996, Puustien and Rouet 2009). This includes: (1) building a representation of the search goal; (2) selecting an appropriate item to read among the sources or categories of available information; (3) extracting content to match the search objective; (4) integrating new pieces of information into previously acquired information; and, (5) repeating these preceding steps as many times as is necessary in order to successfully fulfill individual search objectives. Alternatively, Marchionini’s model of the information seeking describes a process of: problem recognition, problem understanding, choosing a search system, formulating a query, executing a search, examining results, extracting information, and reflecting/iterating/ and stopping (Marchionini 1989). While the model proposed by Ellis (1989) and Ellis et al. (1993) more generally describes the characteristics that all information seekers share: starting, chaining, browsing, differentiating, monitoring, extracting, verifying, and ending.

These frameworks offer some insight into the different stages of information seeking, but some authors contend that understanding information seeking behaviour is not possible without reflecting on the cognitive processes, actions, and affective states of information seeking that underlie users’ behaviour. So, while processes of information seeking may offer insight into the actions individuals undertake, they do not offer insight into how these actions might vary between individual’s, the extent to which this can be explained by various behavioural factors and the relation this bears to information seeking success (Ingwersen 1982, 1992, 1996 Kuhlthau 1993, Nahl 1997). Typically, ‘success’ in using the Internet has been determined by whether or not individuals have found the information they were required to find. Efficiency has been dictated by the time spent doing so. Little has been done to assess the quality of an individual’s interaction with the web holistically.

Simplistically synthesising the information seeking and problem solving stages detailed above, the steps central to the online information seeking/problem solving process amount to three requirements: (a) formulating a search; (b) selecting relevant

information; and, (c) applying knowledge found to the individual's existing knowledge (and managing any conflicts between the two) and the problem at hand. Each of these steps pose particular challenges in regards to legal self-help. Evaluating the way in which young people go about this process may offer us a framework for better understanding the 'quality' of their online information seeking behaviour.

Although the aforementioned process of (a) formulating, (b) selecting and (c) applying seems relatively straightforward, web-searching is what Chi and Glaser (1985) would call an 'ill-defined problem'. In contrast to a well defined problem where the goal is clear, the answer is fixed and all the information needed to solve the problem is available, in an ill-defined problem any or all three of the components may be vague or missing. This is true of problem solving in relation to the law itself and to web-searching. In law the answer to any particular problem may not be clear-cut and a number of paths to the 'goal state' of resolution may be taken. The same is true of web searching where as Tabatai and Shore (2005) suggest, the paths and goal states may always be changing and there may well be more than one website of use to the individual.

As Puustinen and Rouet (2009) acknowledge, document searching (online or otherwise) requires self-awareness of one's information needs as well as the ability to make a judgment as to when sufficient information has been gathered. Numerous studies have however revealed the difficulties certain groups face in defining their problems (Brand-Gruwel et al. 2005, Branch 2001, Lazonder 2000). Research has found that users often have trouble selecting relevant categories from web-like menus (Puustinen and Rouet 2009), struggle to generate an appropriate set of key words when utilising search functions (Lyons et al 1997), and rarely think to use synonyms (Schacter et al. 1998) or alternative words upon initial failure (Bilal 2002, Dinet et al. 2004). Landauer et al's (1992) study, although now somewhat dated, concluded that the average [US] college educated person was unable to form a correct Boolean expression for even a simple case and that casual searchers often knew little about a topic and its vocabulary. Rieh's (2004) research found clear misconceptions in search box entries with some individuals entering in the type of information they required rather than the subject of the information, as well as individuals changing search engines rather than changing search terms. Consequently, some researchers suggest that the skills needed to be an effective help

seeker and information searcher must be taught (e.g. Wood and Wood 1999).

Previous studies have highlighted that search terms are informed by an individual's search goals and that typically, young people are more inclined to search for 'factual answers' than to search in a manner that enables them to acquire a general understanding of a topic (Bilal and Kirby 2002). This is a finding that has been seen in other studies with Wallace and Kuperman (1997 as cited by Bilal 2000) also noting that when searching, younger users tend to seek answers rather than aiming for an understanding of the topic. That said, when it comes to searching both for facts and for more general information, young people experience high failure rates (Schacter et al. 1998, Bilal and Kirby 2002).

As Bilal and Kirby's (2002) study demonstrates, age is a factor influencing search success. When comparing the search techniques of seventh graders (12-13 year olds) and graduate students (21+) Bilal and Kirby (2002) found that older participants browsed more than searched, whilst the young participants browsed and search in almost equal proportions. Younger participants also more often looped searches (re-executed searches previously made) and hyperlinks (re-activated hyperlinks previously used) and also more often backtracked (used the back button) than graduate students. The authors noted that this behaviour may have indicated lesser focus on the task, but may also have been indicative of the fact that the Internet induces memory overload, diminishing recall during navigation (Bilal and Kirby 2002, Cockburn and Jones 1996). With young people more prone to memory overload than adults, this results in a comparatively higher rate of looping searches and hyperlinks. Bilal and Kirby's (2002) study focused on age, but while the results may reflect age, age is a composition of education level, life experience and cognitive development. Whilst education aimed at addressing these ineffective behaviours may resolve some of the difficulties young people and those without educational qualifications experience, addressing issues that arise as a result of differential rates of cognitive development, will obviously pose more of a challenge.

It is also true that the way in which individuals perceive the Internet, influences the success they have when searching online. Successful Internet searching is not just 'process driven' (the capacity to execute certain technical functions), but also relies to some degree of the 'mental model' an individual has about how the Internet as a system works, its component parts, the processes, their interactions, and how one component influences another (Zhang 2008). In Zhang's (2008) study, four 'mental

models' of the Internet were identified. In the 'technical view' students saw the Web mainly as a composition of computers, servers, and modems. In the 'functional view' students saw the Web as a place for shopping (books, movies, tickets, and clothes), entertainment (movies, games, and chatting), emailing, paying bills, looking for information (news, sports, weather, and maps), and doing research (libraries). Those with a 'process view', or 'search engine centered view' saw search engines as the center of the Web, with all information branching off from search engines. Finally, those with the 'connection view' viewed the Web as a global-wide connection between information, people, computers, mobile phones, and webpages. The way individuals perceived the web reflected the benefits and opportunities they felt it offers them. In the study, Zhang (2008) found that those with the technical view of the web spent the least amount of time finding answers in relation to a research task, however they were most satisfied with their answer even if they did not perform the best. Those with the process view tended to spend the most time using the Internet to complete the task, provided the best answers, but were least satisfied with their performance. Differences in these mental models also played out in respect of the way individuals interacted with search engines and websites. Those with the connection view made the most number of movements (purposive planned interaction), followed by the process view and technical view groups. This was however, where the differences ended. There were no notable variations across groups as to the extent to which they engaged in backtracking (clicking back through previous links – indicative of being 'lost' according to Fidel et al 1999), nor were their differences in the number of terms in search queries.

Where search results are difficult to procure, even those who are initially motivated may become unwilling to persist with searching online. This is an issue raised by Rieh (2004) and Connaway et al (2011). The latter study explores convenience as a central factor in the use of the Internet and indeed the decision not to use it further, with (74% of) respondents stating that the Internet is not always chosen because it is the most apt resource, but nearly always because it is the most convenient (93%). Thus, Connaway et al (2011) highlight how the motivation to look for information on any one issue may be limited only to the point at which the effort required to obtain the information outweighs the importance of solving the problem – essentially the interaction between (bounded) rationality and gratification. Such findings are echoed in technology adaption studies, which identify perceived

benefits of use and ease of use as central motivations (Davis 1989). As it stands, research suggests that individuals' interactions with search engines appear relatively short. This was the conclusion reached by Spink et al (2000) whose work analysing Excite search engine transaction logs found that individuals conducted on average 4.86 queries per session, with a median of 8 queries. However, on average only 2.52 of these queries were unique, suggesting that individuals had a tendency to reformulate existing queries to generate new results. Moreover, the nature of the search term used also tended to be on the shorter side, with an average of 2.4 keywords per search (including repeat queries), a finding also supported by other studies including Silverstein et al's 1998 study (as cited by Rose and Levinson 2004).

The problems associated with general information seeking using the Internet are arguably compounded when it comes to the pursuit of legal information. Spink and Cole (2001) suggest that 'everyday life information seeking' relevant to everyday problems generally starts with a sense of coherence surrounding the problem, whilst occupational or educational related information seeking may start with a gap in knowledge. Yet, although 'civil justice problems' are everyday and commonplace, many people who are facing what are characterised as civil 'legal problems' may not themselves perceive their problem as *legal* in nature (Pleasence et al 2010b, 2011). This may make it difficult for individuals to define their information search request, a problem Belkin (1980) terms the 'non-specifiability of information need'. Whilst the characterisation of a problem as legal may not act as a precursor to searching online, it nonetheless remains a point to bear in mind particularly in respect of the type of information an individual may be looking for when searching online and the impact this will have on the key words used to lead people to websites. These difficulties characterising a problem exist in conjunction with the public's aforementioned lack of legal knowledge.

Shenton and Dixon (2004) highlight the challenges that arise in respect of being unable to define one's informational needs. In their study looking at the information seeking behaviour of young people, they discovered that youngsters struggled to find information for subjects where they were 'unsure of the nature of their need'. In one case, a participant explained the difficulty he faced in exploring the topic 'static electricity' as the name of the phenomenon was not provided by his teacher – she merely demonstrated how a sheet of transparent plastic could be made

to stick to another surface and asked students to investigate why this was happening. In the absence of a frame of reference, the student struggled to locate information from indexed sources such as his encyclopedia. Whilst the Internet may have been of use, the student ultimately resorted to speaking with his parents who supplied the name of the phenomenon (Shenton and Dixon 2004). Consequently, in the absence of an understanding of the law or an understanding of whether certain life experiences are justiciable, individuals may struggle to acquire further information from the Internet. Marchionini (1989) points out that a query serves as an indication of how the task is internally represented in people's minds. In his semantic analysis of digital encyclopedia queries, subjects did not have difficulty grasping major facets of the information need such as person, place, and activity. However, he noted that they typically used terms present in the task statement, a finding also reached by Zhang (2008). This suggests that studies exploring search queries in which participants are presented with a question, gives individuals the benefit of a 'cue' as to how they might frame their searching. The cues individuals rely on in real life are likely to be associated with the extent to which they are familiar with the topic they are searching.

It would be expected that searching online for information in relation to 'civil justice problems' requires a basic understanding of the problem to hand and the legal rights and remedies it might invoke so as to enable a more directed search (both in relation to the search terms used and the websites visited). Existing research raises concerns that obstacles may be faced even before appropriate search returns can be procured. At the same time, search technology is making it easier for individuals to define their informational requirements. The incorporation of search suggestions, which appear under the search box in Google searches, give individuals cues as to the wording that they might use when conducting searches. This comes in addition to a search engine's use of an individual's previous search history to rank results in a manner presumed most relevant to them (Weikum 2010). Increasingly, modern search engines have been designed to presuppose the intent of the user rather than simply responding to keywords (Baeza-Yates and Raghaven 2010).

This objective has become of critical importance to Google, who have recently changed the algorithm driving their search engine from a keyword-based system, to a question and answer-based system (Gibbs 2013). Originally, search engines relied on the use of Booleans and connectors, coupled with suitable key words to yield

appropriate results. However, as Internet access has increased and a wider range of non-technical users have gone online armed with questions rather than key words, this traditional approach has diminished. Up until recently, Google's search engine did not respond well to long text based queries; a problem rectified by the Hummingbird algorithm launched by Google in September 2013. This change is an attempt to keep pace with developments in 'next generation' devices such as Apple's 'Siri' system, which provides information in response to complex question-based semantic voice commands. The assumption is that as next generation devices continue to develop, users will increasingly demand more specific answer driven responses from online content. Without knowing how individuals search for legal information online it is difficult to assess the implications of this shift for users or for that matter, for web developers.

Rose and Levinson (2004) make the point that question-based searching is simply one of a range of searching types that individuals adopt based on their informational need. They outline a number of 'informational' orientated search mechanisms which include: 'Directed (open and closed ended questions)' (e.g. 'Why do we have a minimum wage' and 'What is the minimum wage'), 'Undirected' (e.g. 'Minimum Wage'), 'Advice' (e.g. 'Help getting boss to pay minimum wage'), 'Locate' (e.g. 'Free Employment advice') and 'List' (e.g. 'Employment Law'). 'Directed' searching is aimed at answering a particular question (which may have unconstrained depth, or a single definitive answer), 'undirected' searching is aimed at learning everything about a topic, 'advice' seeks to obtain guidance or instructions, 'locate' is intended to find out whether there is a real work product available, whereas 'list' is aimed at acquiring a list of websites that may meet an underlying, unspecified goal. As can be noted from the examples given, directed searching attracts question-based approaches, while the remainder more commonly attract keyword based searching techniques (Rose and Levinson 2004).<sup>11</sup> These information-directed searches come in addition to other search goals that may be pursued using the Internet, including navigational goals (going straight to a particular website), and 'Resource' based goals, the purpose of which is to acquire a resource

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<sup>11</sup> The Internet develops very rapidly and there is a need to be cautious in relying on studies that are now ten years old. Insofar as Rose and Levinson's 2004 study is concerned, the study focuses on how individuals interact with the Internet and it is expected that this behavior would have changed as a result of advances in technology. However, the authors also discuss 'patterns of advice seeking' and question formulation – behaviours which are used when searching online but which are not strictly digital skills. It is expected that these skills will have some longevity.

rather than information. This might include search terms orientated at acquiring content to ‘download’, to ‘entertain’ (e.g. streaming media clips), to ‘interact’ or to ‘obtain’ (for offline purposes). Hummingbird is not necessarily pre-empting a trend, but rather attempting to better respond to the needs of an increasingly broad group of users.

The type of informational need individuals are striving to resolve has been seen to influence how they go about resolving it using the Internet. In White and Iivonen’s (2001) study, when presenting a group of students with a series of predictable/unpredictable open/closed-ended questions, variation was seen in the extent to which they opted to use a search engine, to navigate directly to a website, or to use an online directory (now something of a digital relic) in order to resolve their information query. Where there was any evidence of ‘unpredictability’ in the question (irrespective of whether it was open or closed ended) respondents more commonly chose to execute a search using a search engine. The vagueness of the topic and an individual’s unfamiliarity with the subject matter appeared to influence use of search engines, whereas familiarity with the subject matter led to respondents’ directly navigating to a particular site.

With Google capturing more than 80 per cent of the market share, it is likely that most Internet users will come into contact with the Hummingbird algorithm (Buganza and Della Velle 2010). For those who do use question based (Directed, Close-ended) searching when seeking information, this may make searching for legal information much easier. Individuals can specify questions in relation to the problem they are facing, e.g. ‘Can my landlord evict me without notice’, rather than e.g. ‘Tenancy Rights’. As a result, there will not necessarily be any need for individuals to understand that the problem they are experiencing involves a legal right in order to yield relevant search results. However, as Hummingbird has now begun to prioritise the return of ‘answer’ orientated content, there is a need to ensure that tools designed to make searching easier for users, does not diminish the quality of the content returned. This is made slightly more challenging by the fact that in introducing Hummingbird, Google has decided to encrypt all keyword data (Shanahan 2013). Whilst previously webmasters had an idea of which keywords people were using to arrive at their websites, this information will only be made available where a user has arrived at a website via a Google advertising link. Making searches easier for users is not just a job for search engines, but a job for webmasters who will now have to

undertake a level of guess work in determining the type of question-based searches individuals might be conducting and how they can tailor content accordingly. This is because users do not just face challenges with respect to formulating searches, but also when it comes to selecting between a range of information resources.

#### 2.4.3.3 *Selecting Relevant Information*

Research by Lazonder et al (2000) demonstrates that those with experience using the Internet are better at locating websites, but are not better at browsing sites to find information than their novice peers. Although the study focused on children, it nonetheless remains that successful use of the Internet draws on a number of competency domains, many of which will not be fully developed in younger users.

The ability to evaluate the search results returned by a search engine is an integral part of acquiring information online (Tapscott 1996). On the face of it, this may seem like a simple task, however Brand-Greuwal et al (2009) highlight that people of all ages do not always open websites based on a valid judgment of the results; the source is not always questioned and the choice to open a site is highly guided by the title or summary of the site (i.e. relevance) rather than perceptions of credibility. Tabatai and Shore (2005) add that problems are particularly obvious for search novices who miss some highly relevant sites. Findings such as this are reinforced in the context of England and Wales by Ofcom's 2011 research which reports that half of search engine users do not understand search engine results pages - especially the accuracy and the independence of information presented (Ofcom 2011). These issues apply in both general and specific information-seeking contexts. In the field of health for example, Eysenbach and Kohler (2002) have found that users typically do not explore the 'About Us' section of websites or read the disclaimer or disclosure sections. Nor do they usually remember the sites from where they obtained information or remember who stood behind the information they obtained. This is particularly so for young people with Shenton and Dixon's (2004) exploration of online information-seeking by young people illustrating how younger Internet users struggle with searching, demonstrate a lack of confidence when formulating keywords, are unsure if the information they require exists, are often unsure of what to do if their search results present too much information, or what steps to take if the information they require is not available all in the one spot. The

authors also note that young people are motivated by information seeking strategies that prioritise speed, potentially at the cost of quality.

Whilst benefit can be seen in the diversity and potential independence of advice, the lack of regulation and the non-mainstream nature of some websites mean that issues of credibility and impartiality remain. Issues such as these may not be obvious to the inexperienced or unaware user when finding information online (Sillence et al. 2007). This remains, even where users have identified the accuracy and legitimacy of information presented online as central concerns (Landauer et al. 1992). Issues such as the credibility of information are particularly relevant in the field of law where unlike traditional legal practice the obligation to provide accurate or authentic material remains a regulatory grey area.

Some commentators are inclined to take a '*caveat emptor*' approach to this issue. As Barringer (2005) asserts in his discussion of 'Quicken Family Lawyer' (self-help software designed to enable individuals to draft their own legal documents used in the United States), an individual's willingness to use such software in lieu of a lawyer may be sufficient to place the assumption of liability for incorrect or out of date information firmly on the customers shoulders. Whether such logic should be applied in circumstances in which the individual cannot afford a lawyer, remains a matter of debate. The fact that information acquired online does not fall within the remit of legal professional obligations means that there is little recourse for individuals where the information they acquire is incorrect. Regulation of the Internet is a complex task (see further House of Lords 1996) and the UK has typically favoured a self-regulation approach, placing the onus on Internet users themselves (Winter 2011, Akdeniz 2001).

As the gateway to online content, search engines play an indirect role in controlling the relevance and quality of results, although much of this depends on the factors driving retrieval algorithms (Gasser 2006, Hargiatti 2010). Typically, algorithms rely on: (1) linguistic cues to produce results ranked according to the frequency with which search terms are found within the text; and, (2) page popularity. More sophisticated measures have incorporated elements of user behaviour –including web clicks, time spent on webpages and search query reformulation, all of which provide a measure of a website's usefulness (Huffman and Hochster 2007, Huffman 2008, Radlinski et al. 2008). This offers some degree of 'peer review' for websites, although it remains that quality control will only be

achieved in so far as users are capable of distinguishing quality themselves. Due the nature of search algorithms in which ranking begets popularity (and vice versa), resources may become popular even when they offer incorrect or misleading information. Changes in algorithm can also alter the ranking system, favoring one type of site over another. As has previously been discussed, Google's recent algorithm change has meant that question/answer based content is now prioritised in search returns. As it stands, many of the major question/answer orientated websites are either user based discussion boards or commercial operations such as [www.nolo.com](http://www.nolo.com), [www.answers.com](http://www.answers.com), [www.e-how.com](http://www.e-how.com), which operate as content mills. These content mills provide information across a wide range of topics in order to generate page views, which, in turn generates advertising revenue. The information contained within content mills can vary in quality. Discussion Boards on the other hand, have content posted by lay individuals who themselves may have no clear idea of the law. Relying on search engine rankings provides only a partial quality control meaning that individuals must still employ a level of discretion themselves. This process may pose more challenging for some users than others.

#### **2.4.3.4        *Extracting and Applying Information***

Discretion extends beyond obtaining relevant search results and selecting credible websites. Having found information online, users must be able to synthesise the detail presented – a task that Brand-Gruwel et al (2009) suggest is highly contingent on an individual's reading ability. Reading information on the web, linking back and forth between hyperlinks, organising information and making sense of it, makes for a complex reading-comprehension process (Coiro 2003, Leu et al. 2004).

Research in the field of self-help highlights that certain groups are more successful at independently obtaining information and applying it to their problem to meet their resolution goals than others. Denvir et al (2011) suggest that in using the Internet to obtain information about 'civil justice problems', respondents to the CSJS reported finding 'all' of the information they required between 12.1-18.6 per cent of the time, 'some of the information' 13.6-35.1 per cent of the time and 'none' of the information they were looking for 5.2-22.7 per cent of the time depending on age group. The same research also found that an individuals' level of educational qualification was linked to success. This was particularly so for those aged 18-24,

with those with no education qualifications or GCSE's graded D-E demonstrating lesser success obtaining information online than those with higher qualifications. Looking at the relationship between the independent resolution of 'civil justice problems' and knowledge of rights, Denvir et al (2012) has also highlighted that those without knowledge of their rights had less success when trying to independently solve their problem. This may give support to the idea put forth by a number of commentators that an individual must have some existing knowledge of the nature of the issue at hand in order to successfully conceptualise their search goal and comprehend how they might go about reaching this goal (Guthrie 1988, Rouet 2006, 2009, Rouet and Tricot 1996, Puustien and Rouet 2009).

There is also an acknowledgement that beyond extracting relevant information, applying information to a particular problem is not an easy task. Giddings and Robertson (2003) note that where the law being addressed is complex, taking a basic message and adding exceptions and qualifications to it, makes the process of applying the law far more difficult. The authors further note that the ascertainment of information online, does not make the application of that information any easier than obtaining it via alternative channels. The Internet offers a new way to convey information, it is not necessarily a means of conveying a sense of legal understanding. As the issue of poor literacy raises, much of this will come down to the capacity of individuals. Dewar's 2000 study on self-represented litigants in family courts highlighted some of these issues, identifying that self-represented litigants were disadvantaged by a lack of knowledge about the law and legal processes, a lack of objectivity in respect of the issue and being perceived negatively by decision makers. These findings reaffirm the conclusion reached by Galanter (1974) nearly three decades earlier who determined that knowledge and experience (two key components of our contemporary definitions of 'legal capability') were the factors which distinguished the 'haves' from the 'have nots'. The Internet has the capacity to offer both knowledge and experiential information. This is especially true in respect of the latter, where, as previously mentioned, 'experiential' websites are gaining prominence, in part due to their 'question/answer' format and the public's propensity to seek such content and engage in its provision. In spite of this, even the most comprehensive website cannot hope to cover the wide range of 'legal problems' the public might face and it will remain the responsibility of the individual to interpret the content they obtain and apply it to their problem.

For those who fail to understand the issue at hand, there is some reassurance that searching online might promote the taking of action in relation to a problem. Whilst no research appears to have been undertaken in respect of ‘civil justice problems’, in the field of health, Ybarra and Suman’s (2006) research has found that those who did not understand the information they read online, were 2.6 times more likely to seek support from others. This rebuts the assumption that online searching acts as a replacement diagnostic tool. This of course assumes that offline services are in fact available and reinforces the fact that there are no easy solutions to be achieved simply by providing information online where an individual has a complex problem, the material is not presented well, or the capacity of the individual to understand the issues at stake is diminished. In the end, advice may well remain a crucial component of many resolution strategies irrespective of the extent or quality of information provided, whether offline or online (Giddings and Robertson 2003, 2001, Lawler et al. 2009).

#### **2.4.4            Young People and the Internet**

The existing research examining how individuals interact with the web presents an incomplete picture of the factors influencing Internet use and success. Willingness is associated with various behavioural tendencies, preferences, access, and perceptions as to what the Internet can offer. While success is associated with technical aptitude, subject matter familiarity, mental models, intelligence, critical judgment, literacy, persistence, and (potentially) the search engine used.

While the first and second digital divides have broad-ranging implications, it is clear from the existing literature that legal self-help may pose distinct challenges for those aged 16-24. The particular attributes of young people (notably, socially isolated young people) –including the fact that high access to the Internet is not associated with higher use when faced with a civil justice problem; the fact that they are generally less successful in obtaining what they want from the Internet when using it to acquire legal information; and the fact that they often try and fail to resolve their ‘civil justice problems’ -points to this group having specific requirements in advice delivery. In spite of these limitations, for some of those facing ‘civil justice problems’, the Internet (and self-help) will continue to be a preferred method of problem resolution, for others it may represent the only option in an environment of

constrained choice or awareness. The existing literature suggests that public policy makers have overstated the technological sophistication of young people. In doing so, it has masked many of the challenges that young people face when using the Internet to acquire legal information.

While there has previously been a concerted effort to view young people's advice needs as distinct and develop online resources in relation to this, there has been little effort to assess the legal information available online, how young people reach this information, how they use it, the extent to which it assists them in resolving a problem and where Internet use fits in to the broader problem-solving strategies employed. A number of factors converge to suggest that young people are not ideal candidates for online legal self-help. Yet, as access to traditional services diminishes whilst pressure to self-help increases, there is a need to determine the extent to which young people are able to help themselves using the Internet, how they can be supported in doing so and what role the Internet might play in subjective legal empowerment. This study proceeds with these investigative aims in mind.

## **2.5 Aims of the Study**

The study aims to better understand:

- i. The emergence of 'e-government' and the Internet as a mode of delivery in public legal services in England and Wales, the concurrent emergence of legal self help, and the extent to which online legal information seeking has the potential to meet the legal needs of young people;
- ii. The extent to which young people currently use the Internet for 'legal problem' solving, their objectives when they do go online and their success in meeting their objectives;
- iii. How well young people currently know their legal rights and where to go for help in relation to housing and employment law problems;
- iv. How young people search online, their search behaviour and the extent to which searching online improves their capacity to understand and resolve a particular 'legal problem';
- v. The impact of directing individuals towards a particular website and whether this improves the speed with which they acquire information or the accuracy of their answers;

- vi. The advice seeking behaviours/preferences demonstrated by young people when faced with employment and housing law problems; and
- vii. The quality of the main online information resources individuals are likely to come across when searching for information related to employment and housing law problems.

In meeting these aims, the study analyses data drawn from (a) the Civil and Social Justice Survey (CSJS) and the Civil and Social Justice Panel Survey (CSJPS), (b) a survey/experiment; and (c) a website review.

This research delivers an understanding of the advice seeking behaviours/preferences and the online information seeking aptitude of young people. As the first study of its kind, it fills a gap in our understanding of how young people use the Internet as a legal information resource. Beyond this, it provides insight for policy makers in the field of civil justice who are designing services for young people, providing an evidence base upon which they can evaluate the appropriateness of online self-help, as well as providing a better understanding of what an effective resource might look like. A full set of research questions, along with the methods used to answer them, are detailed in Table 1.

**Table 1.** Research questions and methods

RESEARCH QUESTION	Literature Review	CSJS/ CSJPS	Survey	Experiment	Web Review
<b>Aim I: The Emergence of e-government and Legal Self-Help</b>					
1. How and why has e-government developed over the last decade and what has this meant for the delivery of public services and their use by the public?	✓				
2. How has e-government played a role in shaping the delivery of legal services, particularly legal aid in England and Wales?	✓				
3. What role is the Internet as a mode of delivery for public services likely to play in the future and what might this mean for those with legal needs?	✓				
4. How might young people aged between 16-25 be said to specifically benefit or detriment from unmet legal need brought about by the Internet as their single mode of access to legal advice and information?	✓				
<b>Aim II: Current Internet Use</b>					
5. Do demographics (age, education level, home environment, health, socio-economic class) bear any relation to determining who of those aged 16-24 use the Internet for legal advice seeking?	✓	✓	✓		
6. Does trust in the Internet, self-rated ability, and the general purpose for which the Internet is used, bear upon the rate of use or successful Internet use in relation to 'civil justice problems', and if so, how so?			✓		
<b>Aim III: Knowledge of Rights</b>					
7. Do young people know their rights when faced with a hypothetical legal scenario?	✓	✓	✓	✓	
<b>Aim IV: How do Young People Search Online?</b>					
8. Does using the Internet as an information portal lead to the acquisition of knowledge of rights?	✓	✓	✓	✓	
9. How do young people go about searching online, do there appear to be any patterns or methods apparent in their search technique?	✓	✓	✓	✓	
10. What are the common search terms/techniques employed by young people when using the Internet?	✓			✓	
11. What are some of the errors young people make when searching online for legal information?	✓			✓	
<b>Aim V: How Does Directing Individuals Impact on Success?</b>					
12. Do those directed towards a particular website, acquire knowledge of their rights with greater alacrity than those left to search for themselves?				✓	
<b>Aim VI: What are the Advice Seeking Preferences of Young People?</b>					
13. If individuals were faced with the same problem as that hypothetically posed, what method would they				✓	

choose to resolve it? Why?

#### **Aim VII: The Quality of Information Available Online and Routes to it**

14. The extent to which the information currently available online is capable of fulfilling the public's informational needs, including the extent to which it provides an accurate balance between the provision of legal information and the provision of material that helps individuals translate that information into appropriate action?	✓	✓
15. The extent to which the information provided online gives answers to the hypothetical questions individual's were asked during the online experiment?	✓	✓
16. The extent to which the information provided online is accurate, free from bias, freely available, with jurisdiction clearly denoted?	✓	✓
17. Whether 'simple', 'specific' and 'question' based search terms leads to varying levels of 'information-yielding' success?	✓	✓
18. What these findings might say about the development of websites by government and the third sector, and in particular whether there are any useful lessons in terms of search engine optimization?	✓	

#### **Policy Context: What Policy/Research Conclusions can be Drawn?**

19. How far does searching online prove to be an end to the problem in itself?	✓	✓			
20. To what extent can searching online be said to improve understanding and the resolution of a particular (hypothetical) 'legal problem'?	✓	✓	✓	✓	
21. What do findings suggest about the future of online services and the development of policy in this area?	✓	✓	✓	✓	✓

As can be seen in Table 1, the research questions this thesis seeks to answer rely on a number of data sources, including primary and secondary sources. The data sources and the methodological approach taken to acquire this data is detailed in brief below with this detail expanded upon in Chapters 3, 4 and 5.

## **2.6 Data Sources**

Data for this study were drawn from four key sources, representing a combination of existing and newly obtained data. These sources included the Civil and Social Justice Survey, the Civil and Social Justice Panel Survey, an Internet Use Experiment/Survey and a Website Review. This section provides a short overview of the data sources used throughout the study.

### **2.6.1 Civil and Social Justice Survey and Civil and Social Justice Panel Survey**

Chapter 3 of this study examines the prevalence of ‘civil justice problems’ among young people, the routes they take to resolving these problems and the extent to which the Internet is relied upon in the resolution of a civil justice problem. In exploring these issues, the author undertakes secondary analysis of data from the English and Welsh Civil and Social Justice Panel Survey (CSJPS), which replaced the English and Welsh Civil and Social Justice Survey (CSJS) in 2010. The CSJS and the CSJPS provide detailed information on the nature, pattern and impact of people’s experience of civil justice (or ‘justiciable’) problems. Within England and Wales, the surveys also represent the primary source of general data on the strategies that users and potential users, of law and legal services employ in order to resolve their ‘civil justice problems’. The Civil and Social Justice Survey (CSJS) was conducted in 2001, 2004, and from 2006-2009 on a continuous basis with fieldwork undertaken every month of the year. In 2010 the survey transitioned to a longitudinal format, comprised of a panel of respondents interviewed and re-interviewed over a period of eighteen months. Full details about the survey methodology, sample frame, population, weighting, response rates, structure and content can be found in Pleasence et al. (2011). The CSJS and the CSJPS are substantially developed versions of Genn’s (1999) ‘Paths to Justice’ study. The CSJS and CSJPS data was collected by the Legal Services Commission and funded by the Ministry of Justice.

The survey ceased in 2012 however the data is publicly available and can be accessed for the purpose of secondary analysis.

#### *2.6.1.1 Previous Studies using CSJS/CSJPS Data*

Data from the CSJS and the CSJPS have been used in a number of past studies to explore issues relating to the experience of ‘civil justice problems’. In addition, data from the CSJS has also been used to look at the incidence of ‘civil justice problems’ by young people, with young people defined as being aged between 18-24. However, to date, analysis of survey data to explore Internet use in relation to ‘civil justice problems’ has drawn only on CSJS data, as can be seen in the work of Denvir et al (2011, 2014). The report of Wave 1 of the CSJPS offers some insight into Internet use for ‘civil justice problems’, although it is of limited depth (Pleasence et al. 2011). The analysis undertaken in Chapter 3 is the first to use CSJPS data to look specifically at the experiences of young people and ‘civil justice problems’. Deeper analysis of expensively assembled CSJPS data offers a cost effective way of gaining robust and representative insight into Internet use by those with ‘civil justice problems’.

As has been noted above, in previous studies using CSJS data, definitions of young people have referred to those aged 18-24. However, while the CSJS interviewed those who were aged 18 and over, the CSJPS interviewed those aged 16 and over and this has resulted in the age group of the youngest CSJPS respondents, those classified as ‘young people’ expanding to 16-24. For the purpose of Chapter 3 where both CSJS and CSJPS data is used, there are instances where results refer to 16-24 year olds, and 18-24 year olds. This is a reflection of the differences in the sample populations between the two surveys.

#### **2.6.2 Internet Use Survey/Experiment**

For Chapter 4, data was collected via an Internet Survey/Experiment. This new method of data collection addressed some of the limitations of the CSJPS/CSJS and enabled the research to explore of a number of issues, which emerged in relation to Internet use when individuals were faced with a hypothetical civil justice problem.

The Internet Survey/Experiment initially captured detailed socio-demographic information about respondents, as well as information relating to their use of, access to and confidence using the Internet. Following this, respondents were presented with a hypothetical ‘legal problem’ consisting of six rights-based questions and were first asked to answer these questions from their existing knowledge. Participants were required to answer these questions a second time, using the Internet to help them find answers to questions they were unsure of, or to confirm the answers they believed they knew. In assigning the hypothetical problem type, participants were randomised into one of four experimental groups which dictated whether they received a scenario relating to housing or employment law and whether they received a ‘website’ hint prior to commencing their web searches. This hint consisted of a message that appeared at the top of the screen suggesting a potential website that might be of use. Those in the housing group, were ‘hinted’ towards the Shelter Housing Charity website ([www.shelter.org.uk](http://www.shelter.org.uk)), those in the employment group were hinted towards the Citizen’s Advice Bureaux ‘AdviceGuide’ website ([www.adviceguide.org.uk](http://www.adviceguide.org.uk)). Both websites contained all the answers to the questions respondents were asked, although these answers were not contained on a single page and required participants browse through the websites.

The purpose of the hint was to determine whether directing individuals to a reputable source of online information where the answers could easily be found, actually expedited their obtainment of information and led to a higher score on the rights-based questions. Upon answering the rights-based questions for the second time, respondents were asked a series of questions about the extent to which the Internet helped them answer the questions and what they would do if they were in the protagonist’s situation.

Participants were given an unlimited length of time to complete the study and both their answers to the questions as well as their search history was recorded for later analysis. The online survey/experiment was created in Opinio and accessed via the Google Chrome Browser. Google Chrome was also used to provide a time-stamped output of users’ Internet browsing history during the task.

208 respondents aged 15-26 attending university, school or other employment/training, participated in the study. The sample was drawn through a combination of convenience and snowball sampling. Twenty-four participants

undertook the study in their school computer laboratory. The remaining participants undertook the study remotely at a location of their choosing via a virtual desktop.

Further details relating to the sample, experimental procedure and research tools used are detailed in Chapter 4.

#### **2.6.2.1      *Previous Studies of a Similar Nature***

The collection of new data relating to how individuals actually navigate the Internet fills a clear void in the existing research literature, as well as simultaneously enabling a new method of data collection to be tested. To date there has been only one study (outside of those studies analysing CSJS/CSJPS data), which has explored use of the Internet for the purposes of resolving ‘civil justice problems’. This study, conducted by Maggs in 2006, looked at the type of legal questions individuals were posing in online discussion forums and the quality of the answers provided. His study was however, primarily concerned with the implications for the profession, rather than the user. In the same vein, other studies have explored issues such as the ethics of giving legal advice online (Deady 2001), or the regulatory implications of doing so (Lanctot 2002), without examining Internet use from a user perspective. Studies that have examined how users interact with information in the online environment have typically been confined to the field of health and education.

Of these existing studies exploring how individuals interact with the Internet as an information portal, a range of methods have been adopted to capture data on user behaviour. Early studies relied upon the use of pen and paper to record browsing history and ‘think aloud’ mechanisms to record underlying motivations (Fidel 1999). As individuals have adapted to Internet use and as Internet speeds have increased over the past two decades, these simplistic methods such have struggled to contemporaneously record participants’ behaviour. Alternative approaches such as video recording participant behaviour have also been employed in the study of web-use, however these have required that participants attend computer laboratories and this has had an effect on participation rates and the nature of the sample captured (Bilal 2000, 2002, Hollander et al 2010). Newer approaches have included ‘deep log analysis’, a process often limited to exploring how users interact with single website through the use of client and server side recording tools. Similar log analysis techniques can also be employed to look at how individuals interact with a range of

websites through the use of a proxy server. This has the effect of directing any user requests through a server, which then caches the request and sends the information back to the researcher. Log records are however, rarely useable in their current state and require specific programming skills, not just to set up the initial server cache, but to also write a programme that can extract and output information from the logs in a format that is useful to the researcher (Hollander et al. 2010). For most researchers, these are involved and often expensive processes and whilst some tools exist that can be implemented on the server or client side, they must be regularly updated to protect participant and researcher systems from viruses (Jansen 2006). Although researchers will often make these software tools available to other researchers, they do not always continue to update these programmes after the original project has concluded. Other tools such as MediaLab designed for psychological experiments have direct application in the field of web-search behaviour as the software enables browsers to be embedded in experiments to track participant interaction with the web. However, efforts to enable such software to work effectively in a remote online environment have not yet been realised.

One of the challenges of this study was to develop a method of capturing participants' web-search behaviour within a survey environment and to enable individuals to participate in the study at a location of their choosing, without requiring them to install client side software. In testing a new method of data collection and in exploring how young people use the Internet in order to obtain information about 'civil justice problems', this study is the first of its kind. The methodological approach used to acquire data (as detailed in Chapter 4) provides a cost-effective, non-technical mechanism by which web-search and Internet behaviour can be recorded. This is a significant advancement and one that has application across a broad range of topic areas.

### **2.6.3 Website Review**

A natural follow-on from exploring how individuals use the Internet, the sites they navigate and the keywords they use, is to assess the nature of information currently provided on the Internet in response to a range of common search techniques. In order to gain better insight into the type of material that individuals would (most

likely) be coming into content with as a result of answering the hypothetical rights-based questions asked of them in the Internet survey/experiment, the website review built on two key pieces of research. This included: (i) Rose and Levinson's (2004) work examining the end goals of individuals using the Internet to obtain information and their classification of information needs; and (ii) Advice Now's review of over 1,000 web resources as part of their work commissioned by the Legal Services Commission. Both of these studies are discussed in more detail below. The website review also complimented research published by Smith and Paterson in February 2014, whose work identified a number of examples of international best practice in the provision of online legal information (Smith and Paterson 2014).

Drawing on Rose and Levinson's (2004) work, the website review devised 'simple', 'specific' and 'question-based' search phrases for each of the 6 rights based-questions individuals were asked during the housing and the employment hypothetical contained within the Internet survey/experiment (as discussed in 2.6.2). With existing research indicating that individuals rely heavily on search engines and rarely go beyond the first page of search results (Eysenbach and Kohler 2002, Eysenbach et al. 2002, Jansen and Spink 2006) search terms were entered into both the Yahoo and Google search engines with only the top 10 (first page results) selected for evaluation. Evaluation drew on criteria formulated by Advice Now in their 2006 study and in total 580 resources were reviewed (some of which were duplicates).

Further details relating to methodological procedure for the website review are available in Chapter 5.

#### **2.6.3.1           *Previous Studies of a Similar Nature***

To date there has only been one systematic review of legal resources: that undertaken by Advice Now in 2006. Funded by the Legal Services Commission, the research required Advice Now to produce a database of resources to be used by Community Legal Service Direct telephone operators to help callers manage their problems. In selecting resources for review, Advice Now relied on an existing composition of resources already in use by Community Legal Service Direct telephone operators. As such, the study differed from the one undertaken here, in that

the review was of known sources of information rather than sources that might be produced via a web search.

In evaluating the resources, AdviceNow developed a framework in which websites were scored against six criteria in two domains. The first domain could broadly be described as ‘information to help the user *understand* the problem and the law surrounding it’ and the second ‘information to help the user *solve* the problem’. The evaluation found that many resources did not do enough to explain the law, with less than half (46%) scoring 4 or above (out of 6) for information about understanding the problem. The evaluation further found a lot of information, across the broad range of categories, but little which provided information on the skills and support people needed to solve a problem, with 96 per cent (521) scoring three or less (out of 6) on the skills and support indicators.

With specific reference to employment websites, the review found a lot of information available from a few main providers, namely: Citizens’ Advice (AdviceGuide); the Trades Union Congress (Worksmart); the Advisory, Conciliation and Arbitration Service (ACAS); Thompsons Solicitors; Coventry Law Centre; Liberty (‘Your Rights’), and the Department of Trade and Industry. Nonetheless, these resources still tended to score poorly in respect of information to solve the problem. Low scores were noted in respect of nearly every resource evaluated and there was a clear tendency on the part of service providers towards providing ‘problem-understanding’ information rather than ‘problem-resolution’ information.

In terms of housing advice, Advice Now identified the Shelter website as the key player, with their information described as ‘good and detailed’. However, for people considering taking action themselves, it was considered that there was little to help them with the exception of a number of good downloads in the free downloads section. As was seen in relation to the employment resources, providers offered more problem-understanding information than problem-resolution information (Advice Now 2006).

Although coming some eight years later, the report published in 2014 by Smith and Paterson (and preliminary findings presented in 2013, see further Smith 2013) suggested that little had changed in the online information landscape – at least with respect to social welfare law. As was the case in 2006, information provision was dominated by a number of main providers, notably Citizens Advice’s ‘AdviceGuide’ website, the Shelter website, and the AdviceNow website. However the authors

stopped short of undertaking a full review of available resources, focusing instead on selecting and identifying some of the characteristics underlying the better quality sites.

In building upon this existing body of research, the website review conducted as part of this project intended to provide a contemporary assessment of the websites that the public were likely to be exposed to during legal information searches. In addition to this, the website review was also designed to test whether framing a search in a number of different ways, would influence the quality, relevance and type of resources returned in the first page of search results. Although it is not expected that search results would remain static in the event that the searches were to be repeated, the review nonetheless offers some insight into whether manipulating the characterisation of a search query, influences the content returned by search engines. Given Pleasence et al's (2010b) research highlighting that individuals often fail to understand a problem as legal, there is clear benefit in exploring the impact of search term/s on search outcome.

### **3. YOUNG PEOPLE AND ‘CIVIL JUSTICE PROBLEMS’: AN ANALYSIS OF EXISTING DATA**

#### **3.1 Introduction**

##### **3.1.1 Civil Justice Problem Experience**

As Chapter 2 attests, ‘civil justice problems’ are everyday and commonplace. Findings from Wave 1 of the 2010 Civil and Social Justice Panel Survey (CSJPS) indicate that 33 per cent of residents in England and Wales experienced one or more civil justice problem in the eighteen months preceding the survey. For those from certain demographic groups, notably the socially isolated, lone parents, benefit recipients, the long term ill or disabled, the mentally ill, and victims of crime, problem incidence is higher, as is the likelihood of experiencing multiple problems (Pleasence et al. 2011).

In existing legal needs surveys, the incidence of ‘civil justice problems’ and problems of a particular nature has also been linked to age. This has been attributed to a number of factors including the fact that people’s life circumstances change as they age and therefore their exposure to the circumstances necessary to give rise to particular problems also changes (Law and Justice Foundation 2013, 2014, Coumarelos et al. 2006, Dignan 2006, Pleasence 2006). Detailed analysis of the experience of ‘civil justice problems’ by young people conducted in 2007 using Civil and Social Justice Survey (CSJS) data has highlighted that young respondents experience a greater number of problems associated with employment, rented housing and neighbours (Balmer et al. 2007). The incidence of problems related to rented housing and homelessness is particularly acute for socially isolated younger respondents, with employment, homelessness, rented housing and money/debt problems demonstrating a tendency to cluster.<sup>12</sup> Victims of crime, the long-term ill/disabled, those living in high-density housing and ‘socially isolated’ young people (those not living in households containing adults over the age of 24) all report higher

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<sup>12</sup> The authors urge some caution in these figures on account of the small numbers of respondents compared to generalisations drawn from the larger sample when not restricted to those aged 18-24.

problem incidence than young people not classed as socially isolated. Similar findings have emerged in other jurisdictions including Australia, where young people have also been found to be at greater risk of housing problems and vulnerable young people experience an overall higher rate of problem incidence (Coumarelos et al. 2013, Law and Justice Foundation 2013, 2014).

### **3.1.2 Problem Solving Strategy and Internet Use**

As has been noted in Chapter 2, issues of cognitive development and maturation will influence the advice seeking/problem-solving strategies of young people. Young people may more often rely on non-professional sources of advice (parents/friends) (see e.g. Mann et al. 1989, Kenny 1986, Rickwood 1992<sup>13</sup> cited by Boldero and Fallon 1995) for help with problems, although for those without these support networks, greater dependence on formal sources of advice (professional advice) may emerge, as seen in the research of Balmer et al (2007). Drawing on the work of Chi et al (1982), Messick (1984) and Barendrecht and Porter (2010) it has been seen that familiarity with the topic (e.g. knowledge of rights), confidence, education level and issues associated with psychology (see further Acquilino 1997, O'Conner et al 1996) will dictate not just whether an individual chooses to act on a problem, but also whether they seek advice and their purposes for doing so. This will also result in differences in the rate at which young people use the Internet when faced with a civil justice problem and their objectives when doing so.

The experience of a civil justice problem tends to have a greater adverse impact on young people, with advice making a greater positive difference to the outcomes they achieve in respect of their problems (Youth Access 2009). Yet, when compared to other age groups, young people take action less often when faced with a civil justice problem (Balmer et al. 2007). In England and Wales and other jurisdictions (e.g. Australia) young people tend to avoid the use of professional advisors (Coumarelos et al 2013, Balmer et al 2007). Research has associated advice-seeking strategy with socio-demographic characteristics, with socially isolated young respondents demonstrating less inclination for self-help than other 18-24 year olds (Balmer et al. 2007). Yet, advice seeking also tends to reflect the

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<sup>13</sup> Unpublished PhD Thesis, original source not viewed.

nature of the problem and its sensitivity and emotional salience (Seiffge-Krenke 1993, Wintre and Crowley 1993, Balmer 2013).

Although Internet access continues to rise, use of the Internet to help resolve ‘civil justice problems’ varies among specific population groups. Socially excluded groups (including young people not in education, employment or training (NEETs)) have often been linked with an unwillingness to use the Internet for the purpose of obtaining advice (Greater London Authority 2002, Michael Bell Associates 2007). Even those willing to use the Internet may struggle to derive the anticipated benefits of online activity (Parle/IARS 2009, Edcoms 2007). In respect of ‘civil justice problems’, as has been demonstrated in Chapter 2, the issue is not merely one of technical aptitude.

There are a variety of reasons why individuals fail to make use of the Internet to assist them in resolving a ‘legal problem’. Existing literature has attributed this to: an individual’s personal characteristics (including education level and social disadvantage (Denvir et al 2011, Denvir and Balmer 2014)), technological capability (Attewell 2001, Zhao and Elesh 2007) and advice delivery preferences (Greater London Authority 2002, Michael Bell Associates 2007). Denvir et al (2011) have found that use of the Internet in relation to a civil justice problem rises in line with educational qualifications - those with lesser qualifications demonstrate the lowest levels of Internet use. Whilst non-use has previously been attributed to the first digital divide - that is the ability of individuals to physically access the Internet - in Denvir et al’s (2011) study, for young people, home access was not accompanied by an increase in its use for ‘civil justice problems’. As a result, issues of capacity are also thought to play a role – with capacity and willingness to use the Internet identified as a ‘Second Digital Divide’ (Hargiatti 2002).

In respect of the second digital divide, previous research suggests that younger people may have a diminished capacity to use the Internet for information retrieval tasks on account of a number of factors that can be attributed to (among other things) issues associated with cognitive development and life experience. This has included their narrower vocabulary which can often make defining their informational needs more challenging, their tendency to get easily frustrated or experience ‘information overload’ or poor memory recall of the sites they felt were helpful (Nicholas et al. 2003, EdComms 2007, Bilal and Kirby 2002, Cockburn and Jones 1996 Landauer et al. 1992), their tendency to overlook some of the most relevant sites (Tabatai and

Shore 2005), their use of natural language and longer search terms which are often not handled well by search engines (Bilal 2000, 2002) and their difficulty distinguishing between accurate and inaccurate sources of advice (Lazonder 2000). Previous studies have also demonstrated that when using the Internet for the purpose of information seeking, young people tend to emphasise convenience over correctness (Davis 1989, Rieh 2004, Connaway et al. 2011).

Young people also tend to seek answers rather than aiming for a general understanding of the issue (Wallace and Kuperman 1997 as cited by Bilal 2000) and fare better when dealing with ‘closed-ended questions’ for which answers must be found than ‘open-ended’ questions where a general understanding of the topic is required (Bilal and Kirby 2002). When faced with open-ended questions in Bilal and Kirby’s (2002) study, children still attempted to find specific answers rather than seeking to acquire an understanding of the topic from the information found. In the case of the law, young people’s avoidance of ‘acquiring a general understanding’ in favour of fact-finding may pose difficulties; black and white answers to the law are not always readily found and some degree of interpretation of the law is often required. However, there is also evidence to suggest that as avid ‘browsers’ young people do better when ‘researching’ online than when ‘fact-finding’ (Schacter et al. 1998), suggesting that there is little consensus on the matter.

As noted by Rose and Levinson (2004), use of the Internet can only be understood with reference to an individual’s underlying information seeking objectives. This helps determine the primary mechanisms driving Internet use and consequently the type of content individuals are seeking. As it stands, Internet use for ‘civil justice problems’ is a relatively new field of research. Little is known about the types of problems for which young people use the Internet, the characteristics of these young people, the purpose for which the Internet is used, the level of success achieved in meeting these objectives, and the type of online services young people frequent.

### **3.1.3 Legal Empowerment and Knowledge of Rights**

It is not just ‘why’ young people go online and what they do there, which is of interest. If the Internet is seen to have potential as a legal capacity-building tool, it is necessary to have an idea of the existing ‘legal capacity’ of young people.

‘Knowledge of rights’ is not a perfect proxy for ‘legal empowerment’ or capability. Nonetheless, it does offer us some insight into how well individuals understand the law and what implications this poses for online legal resources.

Existing research highlights that both the general public and young people in particular lack knowledge of their legal rights. This poses problems in two ways: firstly, when defining search terms and goals, individuals have less existing knowledge from which to draw. They may not consider the issue they are facing is one that is ‘legal’ in nature and this will influence the type of resources they use; secondly, if their existing knowledge about the law is incorrect, online content will need to be persuasive in altering these beliefs. There are challenges associated with contradicting the existing assumptions individuals’ have about their legal rights. Such beliefs are often firmly entrenched (Barlow et al. 2005), can flow from assumptions as to what individuals feel the law should be, rather than what it actually is (Kim 1999), or may arise from social norms (Pleasence and Balmer 2012). These findings are concerning given that individual’s often seek out information (online and offline) which confirms their existing beliefs through the operation of ‘confirmation bias’ (see e.g. Festinger 1957, Rogers 1983, Wilson 1997).

Knowing more about how young people currently view their rights may identify some of the areas where online content will need to be more explicit in addressing existing public misconceptions. Understanding young people’s existing knowledge of rights is also important given that the heuristics on which individuals rely to rapidly assess the credibility of online content are thought to be at least partially informed by their existing bias/beliefs (Metzger et al. 2010).

This Chapter informs policy by highlighting the types of young people online resources are failing to reach and the appropriateness of online resources in light of the capacity, characteristics and strategy preferences that young people currently demonstrate.

## **3.2 Aims and Hypotheses**

This Chapter sets out to explore: the current level of problem incidence among young people; the problem solving strategies young people with a civil justice

problem tend towards; the extent to which the Internet is used by young people facing a civil justice problem; what the Internet is used for; and, the level of capacity/existing legal understanding demonstrated by young people as informed by their knowledge of various rights relating to housing and employment law.

Looking at problem incidence, first the likelihood of experiencing a housing, employment and any civil justice problem is predicted on the basis of a range of respondent demographic characteristics. Following the findings of previous studies (e.g. Balmer et al. 2007, Pleasence et al. 2011, Youth Access 2002) it is hypothesised that the likelihood of experiencing a problem for 16-24 year olds will be influenced by age, NEET status and health status. For 18-24 year olds, NEET status is hypothesised to result in a higher chance of experiencing a housing problem and any problem due to the social disadvantaged experienced by these respondents and the likelihood that they will be living in disadvantaged housing. This hypothesis also reflects the fact that the unemployed (i.e. NEETs) are less exposed to problems arising in the course of employment.

In relation to problem resolution strategy, in keeping with previous studies (e.g. Balmer et al. 2007, Pleasence et al. 2011) it is firstly hypothesised that young people will demonstrate less inclination to resolve their problems alone than older age groups. It is secondly hypothesised that when young people do seek help they will tend towards non-professional sources of advice more often than those aged 25+ and demonstrate greater help-seeking from 'other relatives' (e.g. parents) (FAS 2005, Kenny 1986, Mann et al. 1989). When seeking advice from non-professional sources (e.g. 'other relatives'), it is thirdly hypothesised that 16-24 year olds will desire practical 'hands on' assistance and advice more often than older respondents owing to issues associated with cognitive development, experience and confidence (Mann et al 1989, Kenny 1986).

When it comes to use and successful use of the Internet for 'civil justice problems', on the basis of existing literature (Greater London Authority 2002, Michael Bell Associates 2007, Denvir et al 2011, Denvir and Balmer 2014) it is firstly hypothesised that young people will be less likely to use the Internet when faced with a civil justice problem compared to other age groups. Of those young people who do use the Internet, it is secondly hypothesised that they will demonstrate poor levels of memory recall when asked to name the main website they used (Bilal and Kirby 2002, Cockburn and Jones 1996 Landauer et al. 1992,

Eysenbach and Kohler 2002, Lorenzen 2001, Nichols et al. 2003). Thirdly, it is hypothesised that younger respondents will present with less specific aims of Internet use, reflecting findings from Denvir et al's 2011 analysis of CSJS data and Schacter et al's 1998 research which found that younger respondents tended to prefer to 'browse' rather than 'fact find'. It is fourthly hypothesised that given the aforementioned challenges that younger users (relative 'novices') face when seeking information online (see Chapter 2 and Section 3.1), younger users in this study will less often achieve their objectives when using the Internet compared to other age groups, as found by Denvir et al (2011).

Finally, with respect to knowledge of rights (as a proxy for legal capability), research has shown poor knowledge of rights amongst the general population (e.g. Pleasence and Balmer 2012) and lower levels of knowledge among young people (e.g. Youth Access 2002, Parle/IARS 2009, Balmer et al. 2007, Ruck et al. 1998). On this basis, it is hypothesised that in response to a series of six hypothetical questions designed to test respondents' knowledge of employment and housing rights, younger respondents will achieve lower scores than respondents aged 25+. When exploring (hypothetically) how one might resolve the housing and employment dilemmas presented to respondents, on the basis of findings emerging from Buck et al (2008) and Denvir et al (2012), it is secondly hypothesised that those aged 25+ (older respondents) will have a clearer idea of how the protagonist should handle the problem as well as the independent sources of advice available than younger respondents.

### **3.3 Methods**

#### **3.3.1 Data**

This study draws on data from the English and Welsh Civil and Social Justice Panel Survey (CSJPS). The survey provides detailed information on the nature, pattern and impact of people's experience of civil justice (or 'justiciable') issues. Respondents were interviewed and re-interviewed over a period of eighteen months. The first wave of fieldwork took place in June–October 2010 followed by a second wave in November 2011–March 2012.

As a very large, comprehensive and publicly available dataset, CSJS and CSJPS data offers representative insight into how young people in England and Wales respond to ‘civil justice problems’. Analysis of expensively assembled datasets such as these offers a cost-effective way to address a number of the research questions posed in Section 2.5.

Owing to the timing of fieldwork and the availability of data, analysis undertaken in this section draws on data from Wave 1 of the 2010 CSJPS. With a smaller sample size it was not possible to undertake all analysis using CSJPS data. For this reason, data from the CSJS was also used where appropriate.

It should therefore be noted that while the CSJS interviewed those who were aged 18 and over, the CSJPS interviewed those aged 16 and over. Accordingly, there are instances where results refer to categories of 16-24 year olds, and 18-24 year olds depending on the data set being used. This is a reflection of the differences in the sample populations between the two surveys.

All respondents to the first wave of the CSJPS completed a general interview in which they were asked if they had experienced ‘a problem’ in the preceding 18 months in each of 15 distinct civil justice problem categories. Problem categories are listed in Table 2 along with the incidence of each of the broad problem types for all CSJPS respondents and for those aged 16-24.

**Table 2.** Prevalence of ‘civil justice problems’ of different types (CSJPS)

<b>Problem Type</b>	<b>All Respondents</b>		<b>16-24 Year Olds</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
Benefits	166	4.4	27	11.6
Care Proceedings	9	0.2	0	0.0
Clinical Negligence	53	1.4	7	3.0
Consumer	338	8.9	29	12.5
Debt	185	4.9	27	11.6
Divorce	41.1	1.1	0	0.0
Domestic Violence	39	1.0	7	3.0
Education	71	1.9	6	2.6
Employment	211	5.5	26	11.2
Money	202	5.3	15	6.5
Neighbours	359	9.3	18	7.8
Owned Housing	59	1.6	27	11.6
Personal Injury	155	4.1	1	0.4
Relationship Breakdown	80	2.1	5	2.2
Rented Housing	144	3.8	37	15.9

For up to three problems respondents were asked about disputants, problem resolution strategies, advisers consulted, formal dispute resolution processes, how and when problems concluded, the causes and consequences of problems, understanding of rights, and regrets. Respondents were also asked for an extensive range of details about themselves and the household in which they resided. If respondents reported at least one problem in the general interview, they progressed to a follow-up interview, which addressed in depth, the strategy adopted to resolve a single (random) problem.

In addition, participants were asked about their use of the Internet to resolve their problem, their home Internet access, the purpose for which they used the Internet and what they obtained from Internet use. Those who did use the Internet were asked to detail the main website they used, how they found out about this website and the length of time they spent on the Internet in relation to the civil justice problem.

### **3.4 Analytical Strategy**

Looking first at problem incidence, this study explores young people's exposure to employment and housing problems using data drawn from the CSJPS. A multilevel binary logistic regression model is used to predict the likelihood of experiencing a rented housing problem, an employment problem and any problem on the basis of age, NEET status and their interaction. Additional demographic characteristics are included in the model in order to control for their effect on problem incidence. Multilevel modeling is necessary for datasets such as the CSJPS and CSJS because respondents are nested in households. The multilevel element of the modeling takes into account the potential effect this nesting may have on problem incidence and problem-solving behaviour/s (see further Rasbash et al. 2009).

In exploring strategy, drawing on CSJPS data, descriptive statistics are used to explore the problem resolution strategies adopted by young people with one or more civil justice problem. Analysis examines use of professional/non-professional advisors, reason for use and what young people hoped to obtain from consulting with a non-professional advisor (compared to those aged 25+).

Examining use of the Internet for the purpose of resolving a civil justice problem, a second multilevel binary logistic regression model is fitted to CSJS data

in order to predict use of the Internet when faced with a civil justice problem on the basis of age and home Internet access and their interaction. A third multilevel binary logistic regression model is applied to CSJS data in order to explore use of the Internet to try and obtain advice/information for ‘civil justice problems’ on the basis of age group, academic qualifications and their interaction. This is followed by an exploration of what individuals hoped to achieve by using the Internet and whether these goals were met, the ‘main’ website used by respondents and how they found out about this website, as well as the length of time respondents spent online.

Finally, analysis explores how well individuals knew their housing and employment rights when asked a series of rights-based questions in relation to a hypothetical scenario. Four logit models are applied to test the probability of scoring correct answers out of six for the scenario (as a binomial proportion) on the basis of educational qualifications and age.

Multilevel models were developed using MLWin, with remaining analytical and descriptive functions undertaken using SPSS.

## 3.5 Results

### 3.5.1 Civil Justice Problem Experience

As shown in Table 2 young people aged 16-24 experienced Rented Housing, Consumer, Neighbours, Benefits, Debt and Employment problems more frequently than other problem types. Compared to those aged over 25, young people 16-24 reported experiencing more rented housing, debt and benefits problems. Those aged 16-24 less frequently reported problems associated with having greater capital, including owned housing problems, money problems and consumer problems, although differences were small.

Table 3 shows output from a multilevel binary logistic regression model using CSJPS data to predict the likelihood of experiencing a rented housing problem, an employment problem and any problem on the basis of respondent age, respondent employment/education status and their interaction. The table also includes a range of additional demographic characteristics that have been associated with increased problem incidence in previous studies. Including these characteristics in the model controls for their effect on problem incidence.

**Table 3.** Binary logistic regression model predicting likelihood of experiencing a rented housing problem, and employment problem and any problem on the basis of respondent demographic characteristics (significant terms are in bold).

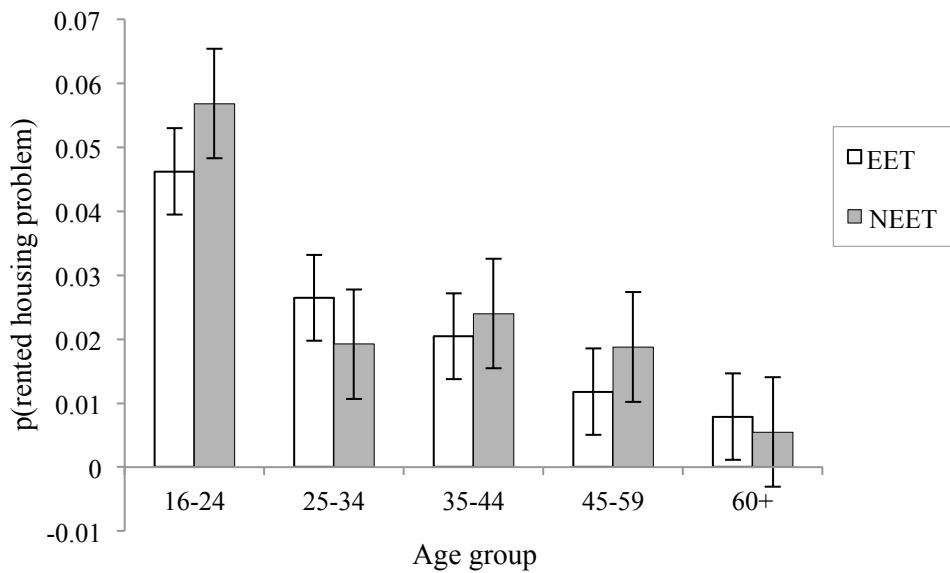
	Level	Rented Housing		Employment		Any Problem	
		Est.	SE	Est.	SE	Est.	SE
<i>Constant</i>		<b>-6.14</b>	<b>0.95</b>	<b>-4.15</b>	<b>0.52</b>	<b>-1.53</b>	<b>0.27</b>
Age group	16-24	0.00	-	0.00	-	0.00	-
	25-34	-0.59	0.39	0.30	0.38	0.31	0.20
	35-44	<b>-0.87</b>	<b>0.43</b>	0.49	0.39	0.29	0.21
	45-59	<b>-1.43</b>	<b>0.47</b>	0.45	0.38	0.07	0.20
	60+	<b>-2.30</b>	<b>1.09</b>	-0.51	0.58	-0.18	0.25
In education, employment or training	Yes	0.00	-	0.00	-	0.00	-
	No	0.21	0.46	0.14	0.55	0.45	0.29
Age group by education/employment/training interaction	25-34 X No	-0.61	0.66	0.19	0.67	-0.39	0.38
	35-44 X No	-0.08	0.63	-0.75	0.70	0.25	0.36
	45-59 X No	0.25	0.64	-0.69	0.62	-0.24	0.33
	60+ X No	-0.18	1.18	-1.48	0.81	<b>-0.68</b>	<b>0.34</b>
Gender	Female	0.00	-	0.00	-	0.00	-
	Male	-0.04	0.22	0.22	0.16	0.12	0.08
Ethnicity	White British	0.00	-	0.00	-	0.00	-
	BAME	0.03	0.27	-0.13	0.24	-0.45	0.13
House type	Detached	0.00	-	0.00	-	0.00	-
	Semi	0.33	0.36	<b>0.46</b>	<b>0.21</b>	0.09	0.10
	Terrace	0.25	0.36	0.14	0.23	0.16	0.11

	Flat	0.62	0.39	<b>0.69</b>	<b>0.32</b>	0.21	0.16
Family type	Married couple, children	0.00	-	0.00	-	0.00	-
	Married couple, no children	0.73	0.41	0.18	0.24	-0.03	0.13
	Lone parent	0.53	0.45	-0.04	0.37	<b>0.46</b>	<b>0.21</b>
	Single, no children	0.25	0.38	0.00	0.24	0.09	0.14
	Cohabiting, children	0.61	0.49	-0.28	0.41	<b>0.44</b>	<b>0.21</b>
	Cohabiting, no children	0.48	0.48	0.36	0.28	0.31	0.18
Tenure	Own	0.00	-	0.00	-	0.00	-
	Mortgage	<b>1.57</b>	<b>0.77</b>	0.14	0.23	-0.11	0.12
	Public renting	<b>3.45</b>	<b>0.75</b>	-0.12	0.31	<b>0.35</b>	<b>0.14</b>
	Private renting	<b>3.41</b>	<b>0.76</b>	0.22	0.32	<b>0.38</b>	<b>0.16</b>
	Rent free	1.58	0.87	-0.03	0.40	-0.10	0.19
Ill/disabled	No	0.00	-	0.00	-	0.00	-
	Yes	<b>0.63</b>	<b>0.28</b>	-0.02	0.21	0.09	0.10
Mental health problems	No	0.00	-	0.00	-	0.00	-
	Yes	<b>0.84</b>	<b>0.24</b>	<b>1.20</b>	<b>0.18</b>	<b>0.87</b>	<b>0.11</b>
Academic qualifications	None	0.00	-	0.00	-	0.00	-
	Some	0.49	0.26	<b>0.65</b>	<b>0.22</b>	<b>0.53</b>	<b>0.10</b>
Income	All others	0.00	-	0.00	-	0.00	-
	Less than £10,000	-0.02	0.25	0.06	0.21	0.02	0.10
	£50,000 or more	-	-	0.21	0.33	0.16	0.20
	Refused/not known	-0.43	0.38	<b>-1.21</b>	<b>0.38</b>	<b>-0.38</b>	<b>0.13</b>
Household level variance		0.65	0.43	<b>0.08</b>	<b>0.03</b>	<b>0.34</b>	<b>0.11</b>

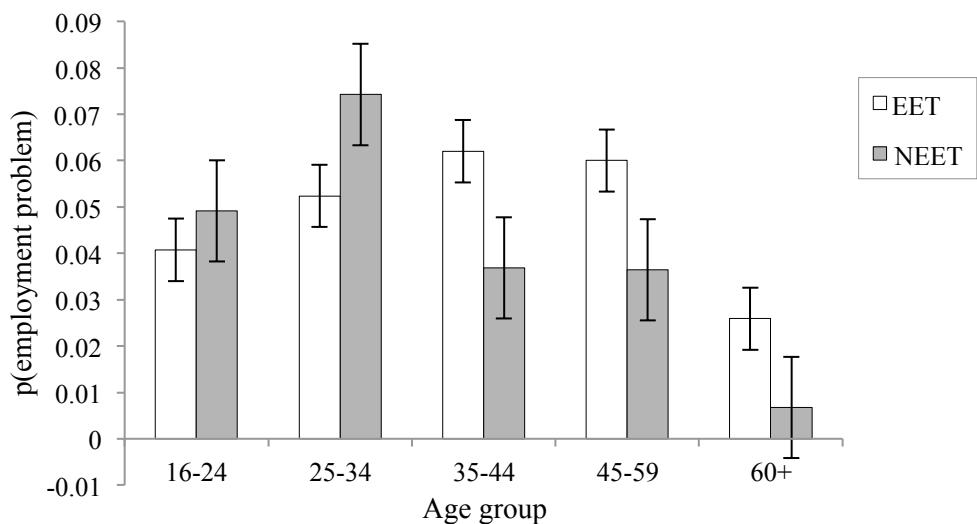
As shown in Table 3, the probability of experiencing a rented housing problem fell as age increased. This was particularly true of those aged 35-44 (testing the model term  $\chi^2=4.14$ ,  $p=0.042$ ), those aged 45-59 (testing the model term  $\chi^2=9.33$ ,  $p=0.002$ ) and those aged 60+ (testing the model term  $\chi^2=4.48$ ,  $p=0.034$ ) where the probability of experiencing a rental housing problem was substantially reduced compared to the reference group. NEET status was associated with an increase in the likelihood of experiencing a rented housing problem for 16-24 year olds as compared to other age groups (with the exception of 45-59 year old NEETs), although this did not reach statistical significance (testing the model term  $\chi^2=0.22$ ,  $p=0.644$ ).

In respect of employment problems, probability generally rose alongside age, although differences relating to age, NEET status and their interaction were small and failed to reach significance. NEET status was again associated with an increase in the likelihood of experiencing an employment problem for 16-24 year olds as compared to other age groups (with the exception of 25-34 year old NEETs), although this did not reach statistical significance (testing the model term  $\chi^2=0.06$ ,  $p=0.807$ ).

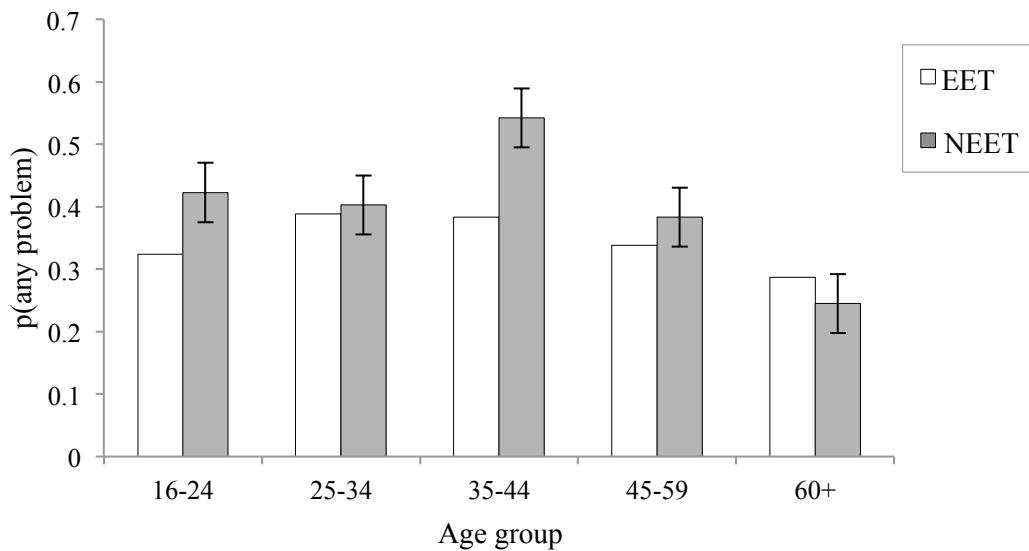
The probability of experiencing ‘any’ problem peaked at 25-34, but again, age failed to reach significance. The interaction between age and NEET status did not produce a statistically significant increase in the risk of experiencing any problem with the exception of those aged 60+ not in employment, education or training (NEET) where the risk of experiencing (any) problem was diminished compared to the reference group (testing the model term  $\chi^2=4.01$   $p=0.045$ ). For those aged 16-24, being a NEET was associated with a higher likelihood of experiencing any type of civil justice problem although this was again, non-significant.



**Figure 1.** Probability of experiencing a rented housing problem on the basis of age and employment, education and training status.



**Figure 2.** Probability of experiencing an employment problem on the basis of age and employment, education and training status.



**Figure 3.** Probability of experiencing any civil justice problem on the basis of age and employment, education and training status.

Looking at the problem incidence of young people not in education, employment or training (NEETs), applying the model estimates in Table 3, Figure 1, Figure 2 and Figure 3 show that while the model findings were not statistically significant the impact of not being in employment, training or education on problem incidence was consistently higher for those aged 16-24 across rented housing, employment and any problem types. While it was true that other age groups often experienced greater disparity between the effect of problem incidence on those in the age group who were and who were not NEET, no age group experienced a consistent disparity across all three models as did the 16-24 year olds. Data from Wave 1 of the CSJPS demonstrated that young NEETs also more often reported the experience of multiple problems with 47 per cent of young NEETs reporting more than one problem compared to 32.9 per cent of non-NEETs.

### 3.5.2 Civil Justice Problem Solving Strategy

#### 3.5.2.1 *Strategy and Use of Advisors (Professional and Non-Professional)*

In the CSJPS, respondents were asked how they went about resolving their problem and their use of professional advisors and non-professional advisors (family/friends)

as well as the extent to which they spoke to family/friends and other people they knew (e.g. work colleagues), in order to help them sort the problem out. Individuals who did not have a job advising people about problem such as the respondents were defined as non-professional advisors. Table 4 illustrates how young people typically dealt with problems they faced using data from the CSJPS in the context of their overall strategy. Findings highlight that the majority of young people (62.5%) attempted to handle their problem alone or with the assistance of help from family and friends, rarely obtaining professional advice (5.2%). Those aged 25+ were similar in their approach, although older respondents were slightly more likely to seek professional help than young people (8.5% compared to 5.2%).

**Table 4.** Age and response to ‘civil justice problems’

	16-24		25+	
	N	%	N	%
Did nothing	33	14.2	181	10.0
Handled alone	90	38.8	843	46.6
Handled with non-professional help	55	23.7	242	13.4
Other advice	27	11.6	260	14.4
Advice sector advice	12	5.2	154	8.5
Legal advice	15	6.5	129	7.1
Total	232	100.0	1809	100.0

While some individuals used professional advisors, as seen in Table 4, individuals often coupled professional sources of help with help from family/friends/others. Additionally, those who did nothing about the problem, those who handled their problem alone and those who handled their problem with non-professional help may also have obtained additional assistance from family/friends/others. Table 5 details whether an individual consulted a family/friend/other non-professional individual to seek help about their problem in addition to the strategy they adopted to resolve the problem as detailed in Table 4, as well as the reason why they selected a particular confidant. It shows that age did not make much of difference in terms of whether an individual spoke to a friend/family member or another individual about their problem. 68.6 per cent of young people aged 16-24 consulted a friend/family member/other, compared to 64.6 per cent of those 25+. However, young people sought advice most frequently from ‘other relatives’ (which could potentially include

parents) than those aged over 25 (77.7% v. 49.6%). Young people commonly spoke to non-professional advisors (family/friends/others) based on the fact that the individual was someone they trusted, someone they ordinarily turned to for advice and someone who had knowledge and/or experience. The reasons were reported at broadly similar frequency to those aged 25+, however, the existence of 'similar values' as a reason was less important to young people than to older respondents.

**Table 5.** Non-professional sources of advice and rationale for consulting these sources, distinguished by age.

		<b>16-24</b>		<b>25+</b>	
		<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Non-Professional Source Used?</b>	Don't know	2	1.5	12	1.1
	No	39	28.5	353	33.8
	Yes	94	68.6	674	64.6
<b>Type of Source</b>	Spouse	14	14.9	373	55.3
	Other relative	73	77.7	334	49.6
	Friend	35	37.2	247	36.6
	Work Colleague	2	2.1	80	11.9
	Somebody Else I Knew	7	7.4	54	8.0
<b>Reason Given</b>	I trusted them	75	79.8	478	70.9
	They have similar values	14	14.9	175	26.0
	Who I normally talk to	36	38.3	305	45.3
	They are very knowledgeable	18	19.1	127	18.8
	Always had time for me	20	21.0	139	20.6
	Experience of this type of problem	20	21.3	102	15.1
	Know where to get help	12	12.8	58	8.6
	Relevant Training	4	4.3	34	5.0

Table 6 shows that respondents more commonly expressed a demand for emotional support from their family/friend/other advisor (someone they could 'talk the problem over with...' and someone who will 'give...moral support') in preference for practical support (all other forms of support listed in Table 6). Examining difference between the age groups, those aged 25+ expressed slightly higher demand for emotional support than those aged 16-24 as evidenced by higher rates of 25+ year olds wanting 'someone to talk the problem over with' (60.2% v. 51.1% for 16-24 year olds). Older respondents also more often wanted someone to give them moral support (56.4% v. 44.7% for younger respondents). Conversely, younger

respondents desired various forms of practical support more often than older respondents. For example, 14.9 per cent of younger respondents wanted their non-professional advisor to 'sort out the problem for them', whereas this was true of only 8.3 per cent of those aged 25+. Younger respondents also more often wanted help in understanding how to sort out the problem (25.5% v. 20.8% for 25+ year olds) and help to understand correspondence from/communications with the other side (11.7% v. 5.3% for 25+ year olds).

**Table 6.** What individuals hoped their confidant would do and what their confidant did do, distinguished by age.

	16-24				25+			
	Wanted		Received		Wanted		Received	
<i>What respondents hoped their confidant would do</i>	N	%	N	%	N	%	N	%
Talk the problem over with you	48	51.1	47	50.0	406	60.2	439	65.1
Give you moral support	42	44.7	50	53.2	380	56.4	398	59.1
Help you understand your rights / the different ways you could go about sorting out the problem	24	25.5	20	21.3	140	20.8	110	16.3
Help you understand anything that the other side said or any letters (or emails) you received	11	11.7	12	12.8	36	5.3	30	4.5
Tell you where you could get help to sort out the problem	16	17.0	13	13.8	76	11.3	65	9.6
Get information or advice for you about the problem	13	13.8	6	6.4	73	10.8	55	8.2
Help you write letters or fill in forms	6	6.4	5	5.3	44	6.5	42	6.2
Write letters or fill in forms	1	1.1	1	1.1	28	4.2	28	4.2
Communicate with the other side	7	7.4	10	10.6	51	7.6	69	10.2
Negotiate with the other side	7	7.4	10	10.6	34	5.0	33	4.9
Sort the problem out for you	14	14.9	9	9.6	56	8.3	27	4.0
Give you financial support	2	2.1	4	4.3	14	2.1	16	2.4

Looking again at Table 6, the objectives held by younger people were not always fulfilled, with more people obtaining moral support than asked for it, and less managing to get non-professional advisors to resolve the problem for them. Young people obtained other forms of practical assistance more commonly than they asked for it, including having their confidant communicate or negotiate with the other side of their behalf. In both instances, only 7.4 per cent of young people desired this type of assistance, although 10.6 per cent received it.

Table 7 details the percentage of those who got what they wanted from their non-professional advisor, split by age.

**Table 7.** Whether individuals got what they wanted from their non-professional (family/friend/other) advisor, by age.<sup>14</sup>

	16-24		25+	
	N	%	N	%
Talked the problem over	40	83.3	371	91.4
Gave you moral support	39	92.9	349	91.8
Helped you understand your rights / the different ways you could go about sorting out the problem	19	79.2	92	65.7
Helped you understand anything that the other side said or any letters (or emails) you received	9	81.8	24	66.7
Told you where you could get help to sort out the problem	10	62.5	48	63.2
Got information or advice for you about the problem	4	30.8	45	61.6
Helped you write letters or fill in forms	5	83.3	33	75.0
Wrote letters or filled in forms	0	0.0	20	71.4
Communicated with the other side	7	100.0	40	78.4
Negotiated with the other side	5	71.4	24	70.6
Sorted the problem out for you	6	42.9	20	35.7
Gave you financial support	2	100.0	12	85.7

As is shown in Table 7, most individuals got what they wanted from their non-professional advisor. Compared to those aged 25+, those 16-24 year olds who

<sup>14</sup> It should be noted that in the category of 16-24 year olds the numbers discussed in Table 7 are small. Small numbers have a disproportionately large effect on percentages reported, which give the impression of large effect sizes. The author cautions readers against extrapolating from these findings given the size of the sample. These results provide an illustration of the findings from the survey sample, but are not intended to be indicative of the population at large. It is precisely because of these small numbers that more predictive statistical tests (used to determine if, for example, 16-24 year olds less often got what they wanted from their advisors than older respondents) cannot be employed.

wanted practical assistance were more successful at obtaining it. For example, 81.8 per cent of those 16-24 year olds who wanted 'help with understanding anything that the other side said' received this help, compared to 66.7 per cent of those aged 25+. While numbers were small, young people were also more successful than older respondents at obtaining 'financial support' when it was demanded and were also more successful in getting their advisor to contact the other side on their behalf. Those aged 16-24 were less successful in getting their advisor to obtain 'information or advice about the problem' than those aged 25+ (30.8% v. 61.6%) and only 83.3 per cent of those 16-24 year olds who wanted to 'talk the problem' over with their advisor actually felt that they achieved this, compared to 91.4 per cent of those aged 25+. For both age groups, individuals found it difficult getting their advisor to 'sort the problem out for (them)' (42.9 % for 16-24 year olds and 35.7% for 25+).

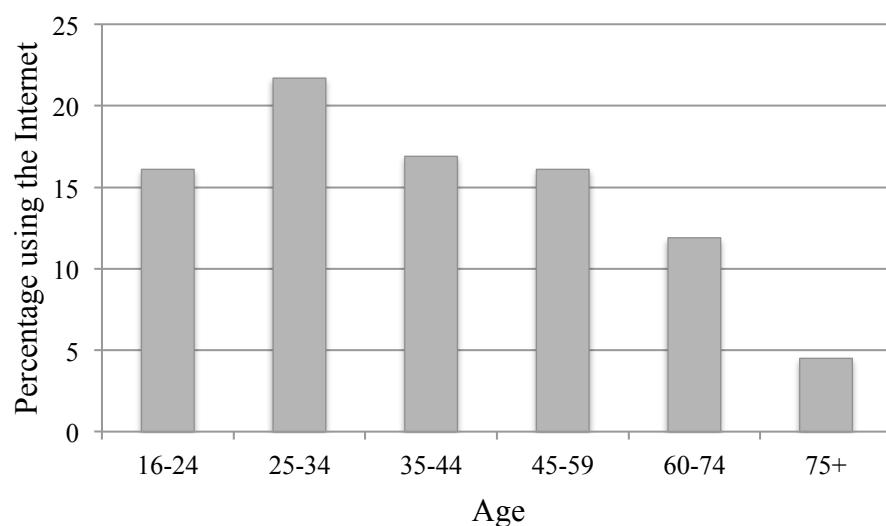
Exploring whether type of non-professional advisor made a difference to an individual's objectives, all of those aged 16-24 turned to 'other relatives (which would include parents)' when they required 'financial support'. Young people also turned to 'other relatives' more often than other advisors when the demand was for practical support such as 'getting information or advice' (52.4%), 'sorting the problem out for you' (55%) 'communicating with the other side' (60%) and 'negotiating with the other side' (62.5%). Where the requirement was for greater emotional support such as 'talking the problem over' there was a greater balance between the advisors used, with 31 per cent talking to 'friends', 16.9 per cent talking to 'spouse/partners', 46.5 per cent talking to 'other relatives' and 5.6 per cent talking to 'other' individuals.

### **3.5.3 Use of the Internet to Resolve a Civil Justice Problem**

There has been consistent growth in the number of individuals obtaining information from the Internet for 'civil justice problems'. Of all such problems in the 2001 CSJS (then called the Survey of Justiciable Problems, see Pleasence et al. 2004), respondents sought information or advice from the Internet for just 160 of 3908 problems (4.1%). By the 2004 CSJS, this percentage had increased, with respondents seeking help from the Internet for 283 of 2705 problems (10.4%). Over the course of the most recent CSJS, use of the Internet for advice or information for 'civil justice problems' increased further, from 14.1 per cent in 2006 (267 of 1892) to 15.6 per

cent in 2007 (343 of 2200) and 17.7 per cent in 2008 (358 of 2024). Overall, in the 2006 to 2009 CSJS, of those with problems 15.6 per cent tried the Internet to find advice or information. In line with this growth, in 2010, findings from Wave 1 of the CSJPS showed that the Internet was used in relation to 16.2 per cent of problems (191 of 1181 problems).

Figure 4 demonstrates the rate at which the Internet was used to obtain information/advice to assist in the resolution of a civil justice problem by various age groups.



**Figure 4.** Rates at which individuals' used the Internet to assist in the resolution of a civil justice problem, by age group.

As can be seen in Figure 4, while those aged 16-24 did not demonstrate the lowest rates of use, they were not the highest users of the Internet either. 2010 CSJPS data revealed that the Internet was used for 16.1 per cent of problems (22 of 137) by 16-24 year olds, the same rate at which it was used by those aged 45-59. In contrast, 25-34 year olds used the Internet to help resolve 21.7 per cent of the 'civil justice problems' they experienced (44 of 203). Only those aged 60+ used the Internet with less frequency when faced with a civil justice problem. For young people classified as NEETs, the Internet was used less frequently, for only 5.3 per cent of problems, compared to 27.3 per cent of problems for those young people not classified as a NEET.

### 3.5.3.1

### *The Influence of Home Access and Education on Internet Use*

As there was a relatively small number of individuals in the 2010 CSJPS using the Internet for advice seeking (n= 22 for those aged 18-24 and n= 169 for those aged 25+), it was not possible to use this data to predict whether certain characteristics (such as home access ‘the first digital divide’) influenced the rate at which the Internet was used in response to ‘civil justice problems’. Instead, analysis draws on data captured by the 2006-2009 continuous CSJS as this provides sufficient numbers to explore the impact of socio-demographics on Internet use.

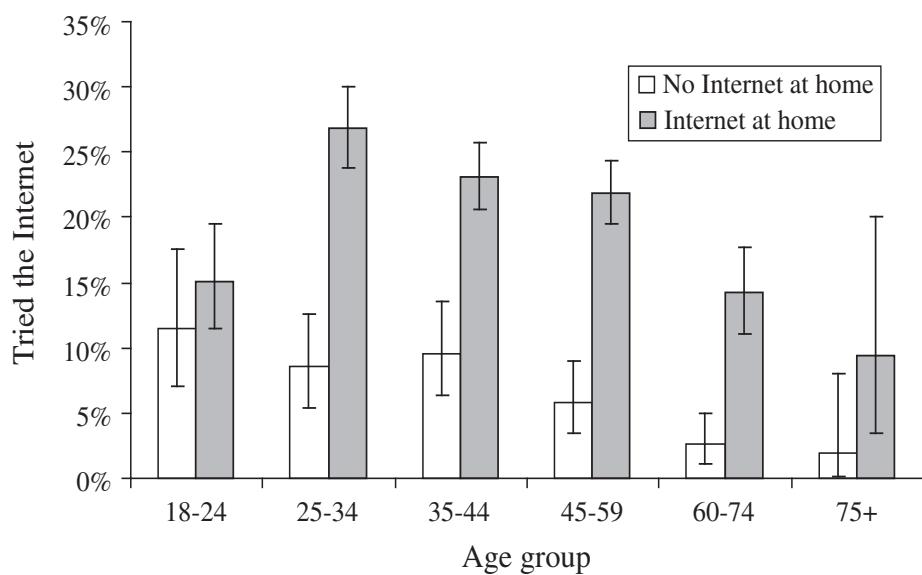
Table 8 shows multilevel binary logistic regression output, modelling whether or not respondents used the Internet when faced with a civil justice problem on the basis of age, home Internet access and their interaction. The table also includes a household level variance term, acknowledging that use of the Internet for one problem may influence use for subsequent problems within households (as highlighted earlier, the CSJS is a household survey, with all adults within each household interviewed).

**Table 8.** Multilevel binary logistic regression output modeling of use of the Internet to try and obtain advice/information for ‘civil justice problems’ on the basis of age group, Internet at home and their interaction (significant terms are in bold).

		Est.	S.E.
<i>Fixed Effects</i>			
Constant		<b>-2.36</b>	<b>0.29</b>
Age Group	18-24	0.00	-
	25-34	-0.35	0.38
	35-44	-0.21	0.37
	45-59	<b>-0.80</b>	<b>0.40</b>
	60-74	<b>-1.70</b>	<b>0.48</b>
	75+	<b>-2.41</b>	<b>1.05</b>
Internet at Home	No	0.00	-
	Yes	0.37	0.34
Age Group x Internet at Home	18-24 x Yes	0.00	-
	25-34 x Yes	<b>1.18</b>	<b>0.43</b>
	35-44 x Yes	<b>0.81</b>	<b>0.41</b>
	45-59 x Yes	<b>1.32</b>	<b>0.44</b>
	60-74 x Yes	<b>1.63</b>	<b>0.54</b>
	75+ x Yes	1.73	1.20
<i>Random Effects</i>			
	Household Level Variance	<b>0.83</b>	<b>0.11</b>

As is shown in Table 8, the minority of 18–24 year olds without home Internet access had the highest use of the Internet when faced with problems (though the likelihood was not significantly less than for 25–34 and 35–44 year olds). However, using 18–24 year olds as the reference category, use of the Internet among those without home access can be seen to be significantly less likely for 45–59 year olds (testing the model term;  $\chi^2=4.09$ ,  $p=0.043$ ), 60–74 year olds ( $\chi^2=12.49$ ,  $p < 0.001$ ) and those aged over 75 ( $\chi^2=5.29$ ,  $p=0.021$ ). Though numbers were relatively small, it is worth noting that those young respondents using the Internet to address problems who did not have access at home were predominantly in full time employment (62.5%). This percentage was twice as high as the 18–24 year olds who did not try the Internet for their problem or have home access (30.7%). Importantly, having the Internet at home did not result in a significant increase in its use in addressing ‘civil justice problems’ for 18–24 year olds. As shown in Table 8, the rise from 11.6 per cent to 15.2 per cent was non-significant (testing the ‘Internet at home’ term;  $\chi^2=1.21$ ,  $p=0.270$ ). The relationship between home access and Internet use is

also illustrated in Figure 5 which applies the estimates from the model in Table 8 to illustrate graphically which groups are predicted to use the Internet. Figure 5 highlights that the 'no internet at home' bars are highest for the youngest age groups and smaller for the older age groups, meaning that those young people without the Internet at home are more often associated with using the Internet for the purposes of resolving a civil justice problem. For older respondents, having the Internet at home was more likely to predict its use when a respondent was faced with a civil justice problem.



**Figure 5.** Probability of using the Internet for advice/information when faced with a civil justice problem by age group and home Internet access.

While home access did not appear to influence whether or not 18-24 year olds used the Internet as much as it did for other age groups, as the second digital divide suggests, use of the Internet may be attributed to more than just access. Table 9 displays results from a multilevel binary logistic regression output modelling of use of the Internet to try and obtain advice/information for problems with a legal dimension on the basis of age group, academic qualifications and their interaction.

**Table 9.** Multilevel binary logistic regression output modelling of use of the Internet to try and obtain advice/information for problems with a legal dimension on the basis of age group, academic qualifications and their interaction (significant terms in bold)

		Est.	S.E.
<i>Fixed Effects</i>			
Constant		<b>-4.37</b>	<b>1.02</b>
Age Group	18-24	0.00	-
	25-34	<b>2.14</b>	<b>1.05</b>
	35-44	1.97	1.04
	45-59	1.94	1.03
	60+	1.36	1.04
	None/O Level/GCSE Grades D-G or Equivalent	0.00	-
	O Level/GCSE Grades A-C or Equivalent	<b>2.27</b>	<b>1.06</b>
	A/AS Levels of Equivalent	<b>2.60</b>	<b>1.04</b>
	Degree/Diploma in HE or Equivalent	<b>2.60</b>	<b>1.06</b>
	18-24 x O Level/GCSE Grades A-C or Equivalent	0.00	-
	25-34 x O Level/GCSE Grades A-C or Equivalent	-1.50	1.11
	35-44 x O Level/GCSE Grades A-C or Equivalent	-1.46	1.09
	45-59 x O Level/GCSE Grades A-C or Equivalent	-1.59	1.09
	60+ x O Level/GCSE Grades A-C or Equivalent	-1.47	1.13
	18-24 x A/AS Levels of Equivalent	0.00	-
	25-34 x A/AS Levels of Equivalent	-1.73	1.09
	35-44 x A/AS Levels of Equivalent	-1.90	1.08
	45-59 x A/AS Levels of Equivalent	-1.88	1.08
	60+ x A/AS Levels of Equivalent	<b>-2.60</b>	<b>1.17</b>
	18-24 x Degree/Diploma in HE or Equivalent	0.00	-
	25-34 x Degree/Diploma in HE or Equivalent	-1.46	1.10
	35-44 x Degree/Diploma in HE or Equivalent	-1.23	1.08
	45-59 x Degree/Diploma in HE or Equivalent	-1.51	1.09
	60+ x Degree/Diploma in HE or Equivalent	-1.88	1.11
<i>Random Effects</i>			
	Household Level Variance	<b>0.76</b>	<b>0.11</b>

As can be seen in Table 9, both age and academic qualifications had some impact on young peoples' use of the Internet when faced with a civil justice problem. In the case of academic qualifications, when compared to those with no qualifications or O levels/GSCEs graded D–G (the reference category), having O levels/GCSEs graded A–C ( $\chi^2 = 4.58$ ,  $p = 0.032$ ), A/AS levels ( $\chi^2 = 6.26$ ,  $p = 0.012$ ) and degrees/diplomas in higher education ( $\chi^2 = 5.99$ ,  $p = 0.014$ ) all resulted in a significant increase in the likelihood of 18–24 year olds trying the Internet. This may be a function of access –

those in education have access to the Internet outside of the home, it may simply be a function of education level influencing Internet use in other ways. Negative estimates associated with the interaction terms for other age groups suggested that for all other age groups the difference between those with the least qualifications and other groups was less pronounced, meaning that education level did not determine Internet use as strongly among those aged 25+ as it did among those aged 18-24.

### 3.5.3.2 *What Individuals used the Internet for*

Looking at what the Internet was used for, in the last year of the continuous CSJS respondents were asked to indicate what they wanted from the Internet and what they got. Respondents could select more than one response, with results detailed in Table 10.

**Table 10.** What respondents wanted from the Internet and what they got, distinguished by age<sup>15</sup>

<i>What Respondents Wanted<sup>16</sup></i>	18-24		25+	
	N	%	N	%
Identify an appropriate source of advice	2	7.6	124	24.8
Telephone number for an adviser	4	11.4	67	13.4
Details of an adviser to see in person	1	3.8	27	5.4
Information to help resolve problem	26	80.3	237	47.3
Somebody to sort the problem out	3	8.3	46	9.2
<i>What Respondents Got</i>				
Identified an appropriate source of advice	6	18.8	100	22.03
Telephone number for an adviser	5	15.2	65	14.32
Details of an adviser to see in person	0	0.0	12	2.6
SOME information to resolve problem	8	24.2	89	19.6
ALL information to resolve problem	4	12.1	52	11.5
SOME Information, need further advice	8	24.2	93	20.5
Somebody to sort problem out	0	0.0	5	1.1
Nothing	6	18.2	38	8.4

<sup>15</sup> It should be noted that in the category of 16-24 year olds the numbers discussed in Table 10 are small. Small numbers have a disproportionately large effect on percentages reported, which give the impression of large effect sizes. The author cautions readers against extrapolating from these findings given the size of the sample. These results provide an illustration of the findings from the survey sample, but are not intended to be indicative of the population at large. It is precisely because of these small numbers that more predictive statistical tests (used to determine if, for example, 16-24 year olds less often got what they wanted from the Internet than older respondents) cannot be employed.

<sup>16</sup> Note that respondents could select more than one choice both in respect of what they wanted and what they got.

As can be seen in Table 10, although numbers were small, young people most often wanted information to help resolve their 'legal problem', at a rate of almost twice that reported by those aged 25+. Young people were however, not particularly successful at obtaining this information with only 12.1 per cent obtaining all the information they needed to resolve their problem, as well as reporting higher rates of obtaining no information from the Internet than those aged over 25. Young people also tended to identify an appropriate source of advice and the telephone number of an advisor more frequently than they intended to do so. Conversely, older respondents were more consistent in the extent to which what they wanted corresponded to what they got, with the exception of few respondents finding someone to sort the problem out than originally intended (9.2% wanted this, only 1.1% obtained it). Additionally, there was some discrepancy in the extent to which older respondents were successful in obtaining all the information they required. Nonetheless, this was small in comparison to the discrepancy seen between those aged 18-24 who wanted information and those 18-24 who actually obtained it.

Data also revealed that, of the two 18-24 year olds who wanted to identify an appropriate source of advice, only one succeeded in obtaining this information. Of the four respondents who desired a telephone number, all were successful in obtaining this, however the individual who wanted details of an advisor to see in person was not successful, neither were the three 18-24 year olds who wanted to find somebody to solve the problem for them. Young people were even less successful in obtaining information from the Internet with only 3 of 26 managing to find 'ALL' the information they required.

A similar question was asked of respondents to the 2010 CSJPS with a slight change to the possible responses individuals could select. Instead of 'Information to help resolve the problem' respondents were offered the choices 'information about my rights' and 'information to help sort out the problem'. Findings were similar in that young people (16-24) were more commonly seeking information about their rights (27.3%) and information to resolve the problem (36.4%), rather than attempting to identify an appropriate source of advice (22.7%) or contact details for an advisor (9.1% telephone, 0% face to face). However, while a reasonable number were successful in obtaining all/some the information about their rights that they required, they struggled to obtain information to help them resolve the problem, with only 9.1 per cent obtaining all the information needed and 13.3 per cent obtaining

only ‘some’ information. Young people found a telephone number for an advisor or an advisor to see in person more often than they required it. Additionally, all respondents struggled to identify an appropriate source of advice using the Internet.<sup>17</sup>

### 3.5.3.3 *Commonly Used Websites and Time Spent Online*

In the first wave of the CSJPS a number of new questions were added which distinguished the survey from its predecessor, the CSJS. For those who reported using the Internet to assist in the resolution of their civil justice problem, these questions included a more detailed exploration of the time individuals’ spent online, the websites they used and how they found out about these websites. These questions gave individuals the opportunity to provide verbatim responses and these responses were later categorised into common response groups. Although the total number of respondents is small (n=191 of which 22 were given by those aged 16-24) these verbatim responses provide some insight into the type of online resources individuals were using. Owing to the small numbers, the results were not distinguished by problem type.

**Table 11.** Main websites used by respondents, distinguished by age

	16-24		25+	
	N	%	N	%
Google	1	4.5	18	10.7
Don't Know	9	40.9	56	33.1
DirectGov	2	9.1	11	6.5
Acas	0	0.0	5	3.0
Council	1	4.5	9	5.3
Citizens’ Advice	0	0.0	3	1.8
Forum/Blog/Social Network	1	4.5	5	3.0
Supplier	2	9.1	14	8.3
Other Gov Website	0	0.0	14	8.3
Court Website	0	0.0	5	3.0
Other	6	27.3	29	17.2

<sup>17</sup> Two NEETS responded to these questions in relation to a single problem each. The first was looking to ‘identify an appropriate source of advice’ and found ‘all of the information they were looking for to help them resolve the problem’. The second was looking to ‘obtain information about (their) rights and was successful in ‘(obtaining) SOME information about (their) rights.’

As can be seen in Table 11, those aged 16-24, frequently reported that they ‘didn’t know’ when asked to report the main website they used. They also tended to use a lesser range of main websites than older individuals. Most frequently they reported using the DirectGov website (now gov.uk) the websites of suppliers and ‘other’ websites. Those aged over 25 tended to report ‘Google’ as the main website they used, as well as reporting use of a broader range of websites including the Citizens’ Advice site, the ACAS site, other government and court websites.

**Table 12.** How respondents found out about the main website they used

	16-24		25+	
	N	%	N	%
Google	10	45.5	49	29.7
Don't Know	1	4.5	24	14.5
Searching/Browsing	2	9.1	29	17.6
Already Knew/Existing Knowledge	2	9.1	28	17.0
Other Side/Correspondence	5	22.7	15	9.1
Employee/Colleague/Work	0	0.0	6	3.6
Advertising/News	1	4.5	5	3.0
Family/Friend	1	4.5	9	5.5

When asked how they found out about the main website they used (including those who could not remember the site they used), Table 12 highlights that respondents very frequently reported finding the website through a Google search. Young people also reported high rates of referral from correspondence with the other side.

Individuals were also asked how long they spent online in relation to their civil justice problem. There was not a great deal of difference among the age groups in respect of the time they reported spending online in relation to their problem. Those aged 16-24 commonly spent between 5 and 30 minutes online (30% compared to 25% for those aged 25-59 and 29.6% for those aged 60+) with another 40 per cent spending more than 30 minutes online but less than two hours (compared to 39.1% for those aged 25-59 and 66.6% for those aged 60+.<sup>18</sup> Mean time spent was 9.65 minutes with a large standard deviation indicating that length of time spent varied considerably (SD = 14.47) A two-tailed Spearman’s rank order correlation was run to determine the relationship between the severity respondents attributed to the

<sup>18</sup> Only one NEET responded to this question, reporting that they spent between 4-6 hours online. This was the same individual who reported obtaining all the information they required to resolve the problem.

problem and the time they spent online. Whilst there was evidence of a positive correlation between severity and Internet time (with time increasing in line with increased severity scores) the finding was not statistically significant.<sup>19</sup>

As has been highlighted, one of the main reasons young people used the Internet was to obtain information about their problem, including information about their rights. In addition to this, knowledge of rights will play a role in determining how individuals might go about seeking help online. Consequently, analysis now turns to explore how well young people in the CSJPS knew their rights when faced with a hypothetical housing or employment law scenario.

### **3.5.4 Young Peoples' Knowledge of Rights and Strategy**

In 2010 new questions were included in Wave 1 of the CSJPS. These questions were designed to explore how well individuals knew their rights in relation to a number of hypothetical legal situations. Individuals randomly received one of three hypothetical scenarios in relation to an employment problem, a housing problem and a consumer problem involving a protagonist called 'Alisha'. All respondents were then asked to answer a number of questions in relation to a relationship breakdown hypothetical. For each of the hypothetical scenarios, respondents were then randomised into further sub-groups, which varied specific aspects of the scenario. For the housing and employment problems (the focus of this analysis) respondents were told that the individual in the hypothetical scenario had been in her job for six months, one year or two years. Respondents presented with the housing problem were told that the protagonist had agreed to rent her house for either six months, one year or two years. This analysis focuses on respondents' knowledge in relation to the housing and employment problems. It sets aside the impact of duration for this analysis, focusing instead on knowledge across the cohort as a whole. The hypothetical scenarios and the correct answers are detailed in Section 4.3.1 For both the housing and employment hypothetical, respondents were also asked to indicate what Alisha (the protagonist) should do in relation to her problem and where might be a good place for her to get advice. Respondents were invited to provide open-ended replies to these questions with answers later categorised into common response groups.

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<sup>19</sup>  $r_s=0.118$  ( $p=0.094$ )

### 3.5.4.1 *Knowledge of Housing Rights*

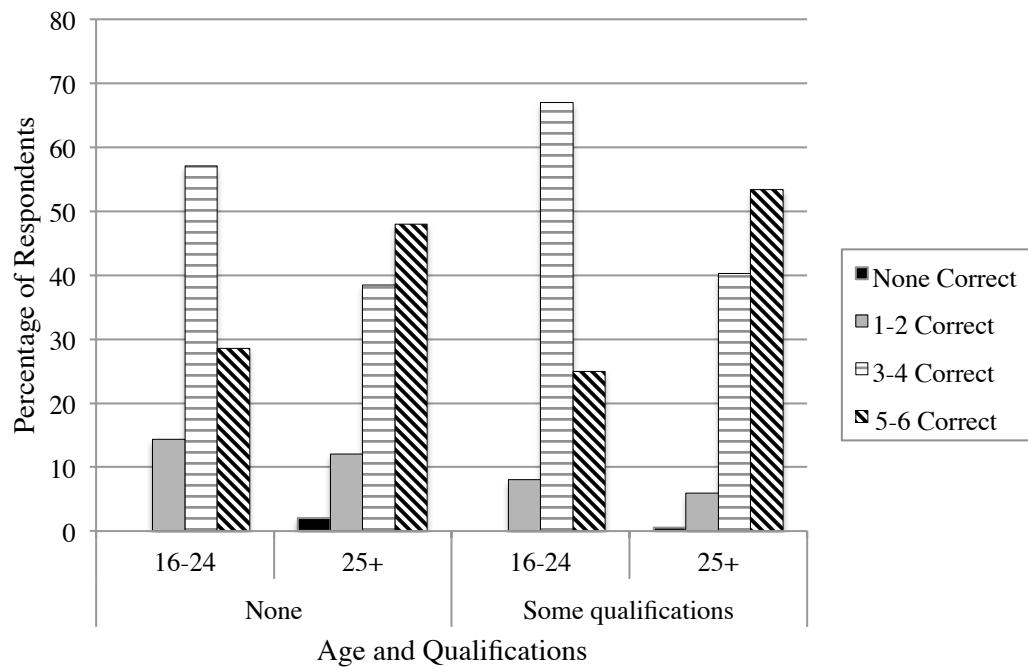
In respect of knowledge of rights, individuals commonly scored four or five correct answers out of six on the housing hypothetical with a mean score of 4.3 for the cohort ( $SD=1.2$ ). Those over 25 years of age tended to achieve more correct answers out of six than those respondents aged 16-24. Those over 25 achieved a mean of 4.3 ( $SD=1.2$ ) while 16-24 year olds achieved a mean of 3.8 ( $SD=1$ ). Fitting a logit model of correct answers out of six for the housing scenario (as a binomial proportion) on the basis of age (16-24 versus 25+) highlights that age was associated with a statistically significant increase in score improvement ( $z=4.5$ ,  $p=0.000$ ).

Looking at the pattern of responses, Table 13 highlights the number of correct answers given in response to the housing hypothetical by age, showing the spread of correct answers out of six. It shows that there were higher numbers of 25+ year olds achieving between 4-6 correct answers. Whilst those over 25 did have higher number of respondents scoring zero, 16-24 year olds more commonly achieved scores of 3-4 out of six.

**Table 13.** Number of correct answers given to the housing hypothetical, by age

	16-24		25+	
	N	%	N	%
Zero	0	0.0	8.00	0.9
One	1	0.9	16	1.8
Two	9	7.9	53	6
Three	33	28.9	114	12.8
Four	42	36.8	239	26.9
Five	24	21.1	331	37.2
Six	5	4.4	128	14.3

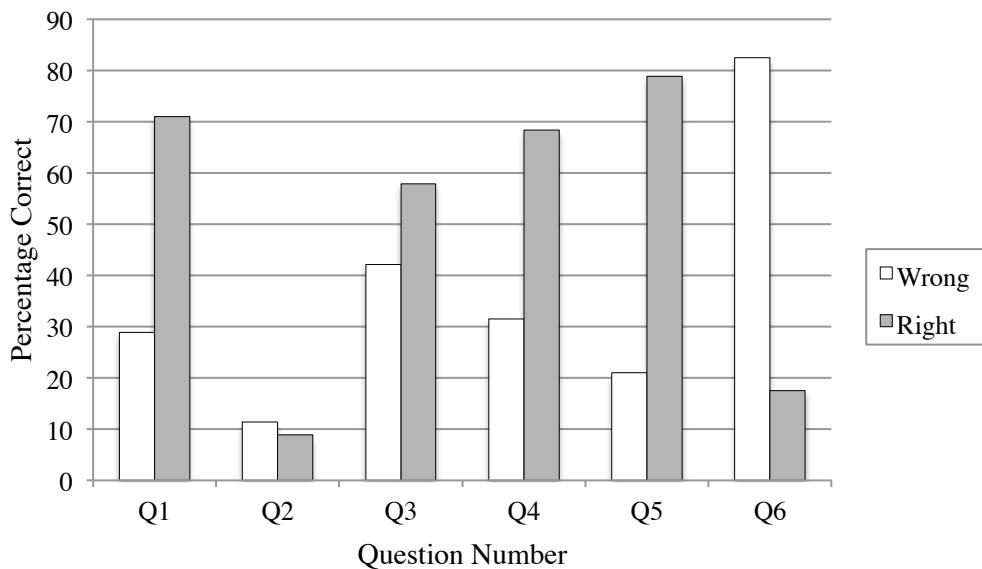
The effect of educational qualifications on knowledge is demonstrated in Figure 6. Those aged 16-24 with some educational qualifications tended to get a reasonable number of questions right (most often between 3-4 correct). Interestingly, those 16-24 year olds who did not have educational qualifications achieved 5-6 correct scores more often than those of the same age who did have educational qualifications. Those without qualifications did however more often score in the lower end of the range (1-2 questions correct) than their qualified peers.



**Figure 6.** Correct answers out of six for the housing hypothetical by age group and qualification.

The mean for young people with some education qualifications was 3.8 (SD=1) whereas the mean for those without education qualifications was 3.5 (SD=1.3). However, this difference did not reach significance following the application of a logit model ( $z=1.10$ ,  $p=0.272$ ).

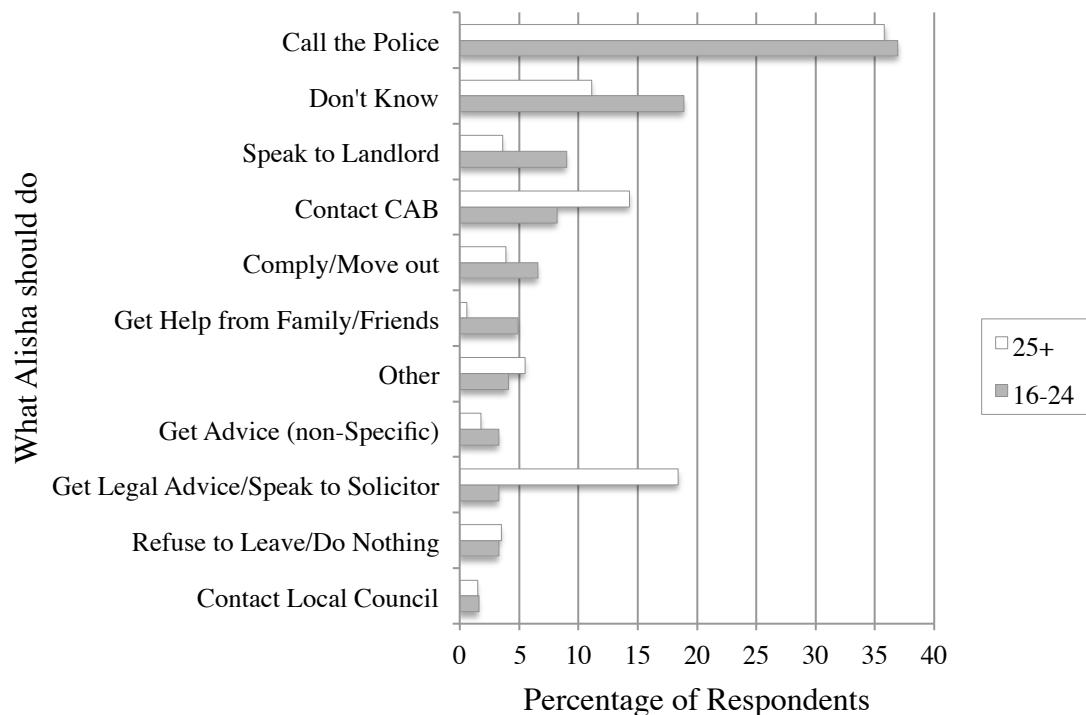
Figure 7 highlights that 16-24 year olds had difficulty determining whether an employee of the Landlord could remove the protagonist from a rental property after 28 days notice of an eviction had passed (Question 6). There was also higher numbers of young people incorrectly believing that a failure to pay rent did not constitute a breach of the lease (Question 3).



**Figure 7.** Housing hypothetical questions answered correctly/incorrectly by those aged 16-24

Figure 8 cumulates the suggestions offered by respondents in their verbatim responses according to age group. It shows that those aged 25+ more commonly suggested that Alisha seek legal advice (18.4% v. 3.3%) or seek assistance from the CAB (14.3% v. 8.2%) than those aged 16-24. Whilst similar numbers in both age groups suggested Alisha contact the Police (36.9% for 16-24 years old, compared to 35.8% for 25+ year olds), those aged 16-24 more often claimed that they were not sure or didn't know what Alisha should do (18.9% v. 11.1%), that she should speak to the landlord (9% v. 3.6%), or that she should simply comply with the request of the landlord's employees and move out of the property (6.6% v. 3.9%). Young people aged 16-24 also more frequently suggested Alisha get assistance from family or friends (4.9% v. 0.6%). All other differences between the responses given by the two age groups were very small. Where verbatim responses were categorised as 'other', for young people, these included responses such as: 'Ring the Office of Housing and Fair Trading', 'climb out the window and stock up on food' and 'talk to them calmly through the door'. Older respondents 'other' responses also varied and included those who suggested Alisha 'ascertain her rights', 'contact the housing department', 'set fire to the house', 'claim squatters rights', 'call the estate agent', 'speak to Age Concern', 'speak to ARLA (the Association of Residential Letting Agents)', 'pray' and 'ask them to come back'. For those aged 18-24, NEETs more

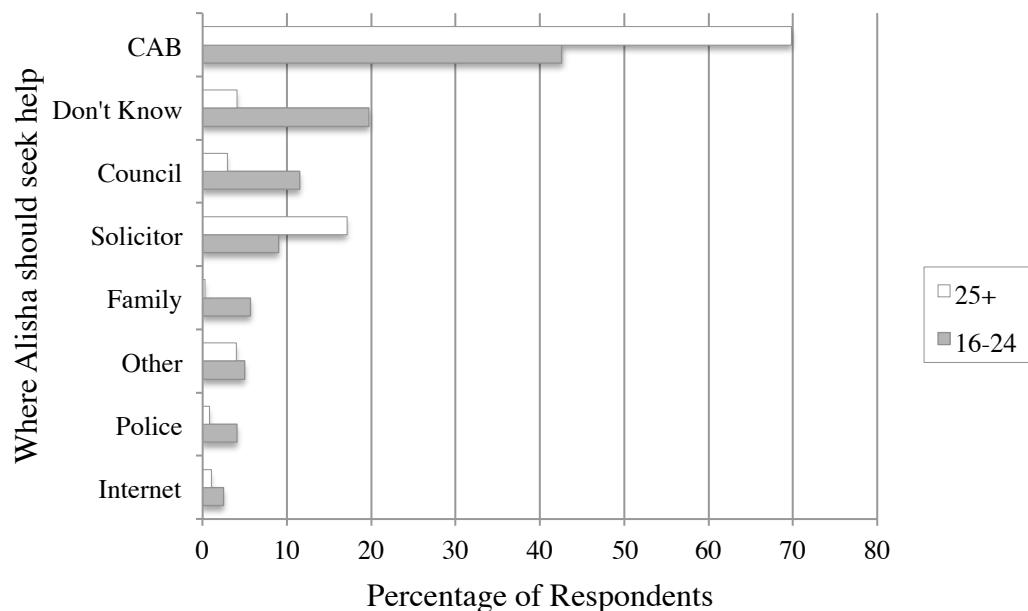
frequently reported that they 'didn't know' (19.2% v 12.5%) what Alisha should do, and more often suggested informal resolution techniques such as 'Speak to the Landlord' (15.4% v. 8.3%), 'Get help from Family/Friends' (11.5% v 4.2%), or 'comply with the landlord's requests' (11.5% v 5.6%).



**Figure 8.** What respondents' thought Alisha should do in relation to her housing problem, by age.

Figure 9 details where respondents indicated Alisha could get help, distinguished by age. As is illustrated, respondents aged 25+ more commonly suggested that Alisha seek advice from the CAB in relation to her housing problem, than those aged 16-24 (69.8% v. 42.6%), older respondents also more often suggested that a Solicitor/Lawyer would be a good source of advice (17.1% v. 9%). Again, younger respondents more often claimed that they 'didn't know' where Alisha should seek advice (19.7% v. 4.1%), the local council/local authority (11.5% v. 2.9%) and more often suggested seeking advice from family/friends (5.7% v 0.3%). The same was true in respect of the other sources of advice suggested, although differences were small. Younger respondents suggested Alisha seek advice from the Police more frequently (4.1% v 0.8%), with the same being true of suggestions that the Internet

might be an appropriate source of advice, although the difference was modest (2.5% v. 1%). There were similar levels of 16-24 year olds and 25+ year olds offering ‘other’ responses in respect of where Alisha could get advice (5% for 16-24 year olds versus 4% for those 25+). This included those 16-24 year olds suggesting she contact a ‘Law Centre’ and ‘the Office of Housing and Fair Trading’, and 25+ year olds suggesting she contact ARLA, ‘Age Concern’, the ‘Estate Agents’, the ‘Housing Association’, the ‘Housing Ombudsman’, ‘Shelter’, ‘Law Centre’, the ‘Local Environmental Health Officer’, ‘a Tribunal or Court’, ‘Trading Standards’ or ‘the Welfare people’. 16-24 year old NEETs suggested seeking help from a CAB more often than non-NEETs (69% v 42.5%) whereas non-NEETs more often suggested seeking help from the Local Council (12.3% v 3.8%) and a solicitor (11% v 3.8%).



**Figure 9.** Where respondents’ thought Alisha should get advice for her housing problem, by age.

### 3.5.4.2 *Knowledge of Employment Rights*

Individuals commonly scored between four and five correct responses out of six for the employment question, with only fifteen per cent of respondents answering all questions correctly and a mean score of 4 (SD=1.3). Young people scored slightly

higher than older people with a mean of 4 (SD=1.3) compared to a mean of 3.9 (SD=1.3) for those aged 25+, however there was no evidence of this difference being significant as shown by the output of a logit model of correct answers out of six for the employment scenario (as a binomial proportion) on the basis of age (16-24 versus 25+) ( $z=-.88$ ,  $p=0.381$ ).

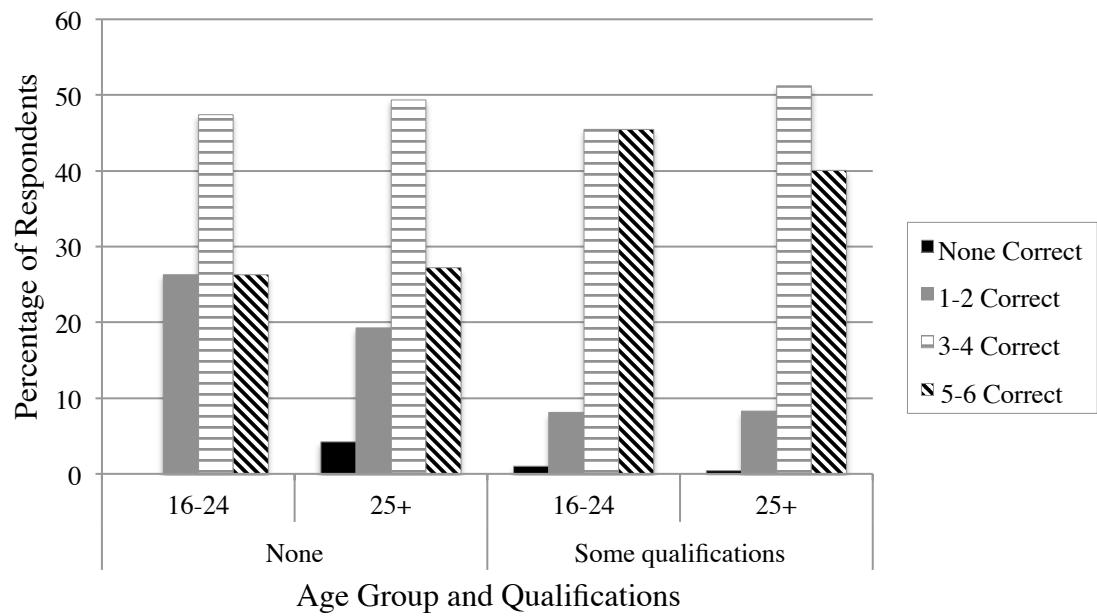
There was little difference between the correctness of scores provided by those aged 16-24 compared to those aged over 25. Young people scored slightly higher than older people, achieving 6 correct answers out of 6 more often, however differences between the groups were minor as Table 14 demonstrates.

**Table 14.** Correct scores out of 6 on the employment hypothetical by age

	16-24		25 +	
	N	%	N	%
Zero	1	0.9	12	1.4
One	5	4.2	18	2.1
Two	8	6.8	79	9.4
Three	23	19.5	181	21.5
Four	31	26.3	244	29.0
Five	35	29.7	209	24.8
Six	15	12.7	99	11.8

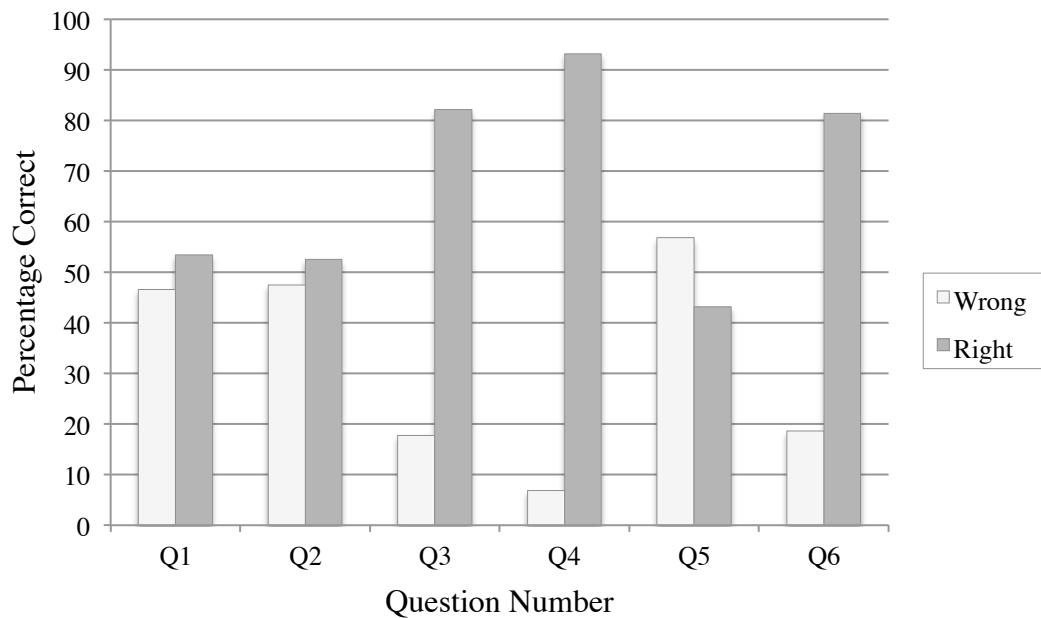
The mean for 16-24 year olds with qualifications was 4.1 (SD=1.3) compared to 3.4 (SD=1.4) for those without qualifications. If a logit model of correct answers out of six for the employment scenario (as a binomial proportion) on the basis of educational qualifications (none versus some) is fitted, the presence of academic qualifications is associated with a statistically significant increase in success ( $z=2.42$ ,  $p=0.016$ ), so that those with qualifications are predicted to answer 70 per cent of questions correctly, compared to 58 per cent for those without qualifications.

As can be seen in Figure 10, 16-24 year olds with educational qualifications did typically score higher out of six than those without qualifications as evidenced by the increased number of 16-24 years olds with qualifications answering 5 to 6 questions correctly and fewer numbers scoring none or only 1 to 2 questions correct. This was also the same pattern for those aged over 25. Interestingly, those aged 16-24 with qualifications tended to score higher, more frequently than those with qualifications aged over 25. The reverse was true of those without qualifications.



**Figure 10.** Number of correct employment questions answered by age and educational qualification

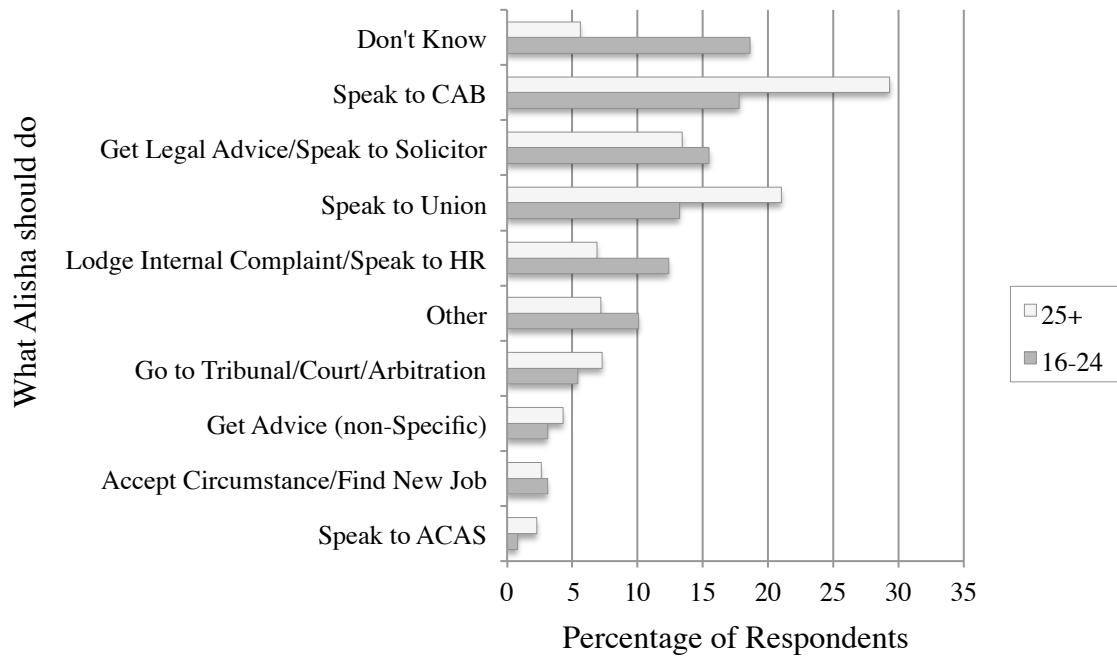
Figure 11 details the percentage of respondents aged 16-24 who answered questions correctly/incorrectly. As was the case in respect of the housing hypothetical, there were some questions that young respondents found more difficult than others. In this case, respondents often responded incorrectly when asked whether the protagonist was covered by the full range of unfair dismissal laws (Question 5). This would have been challenging for some respondents given the variation in time they were given in the hypothetical storyline with the duration of Alisha's employment randomised among respondents (as either 6 months/12 months or 2 years). There was also a fairly even split between correct/incorrect responses in relation to knowledge of maximum working hours (Question 1) and knowledge of the minimum wage (Question 2).



**Figure 11.** Employment questions answered right/wrong by respondents aged 16-24.

Looking at strategy, Figure 12 highlights that older respondents more often suggested Alisha should seek advice from her union (21% v. 13.2%) and seek advice from a CAB (29.3% v. 17.8%). The same was true of suggestions made that Alisha should go to a tribunal/court or go to ACAS, however the differences in response rate between age groups was far smaller. Those aged 16-24 on the other hand, more frequently indicated that they ‘didn’t know’ what Alisha should do (18.6% v. 5.6%) and more frequently suggested that Alisha attempt to resolve the matter internally by speaking with a Manager, HR, or going through an internal appeal process (12.4% v. 6.9%). Those aged 16-24 answering ‘other’ (10.1%) offered the following verbatim responses in respect of what Alisha should do: ‘contact Working Standards Agency’, ‘speak to Wages Council’, ‘go to Local Council’, ‘be allowed to work’, ‘use the Internet’ and ‘speak to family/friends’. Those aged 25+ whose responses were coded as ‘other’ (7.2%) suggested that she go to her local Job Centre or ‘Local Council’, ‘demand redundancy’, ‘go to the age discrimination board’, ‘complain to trading standards’, ‘take it to a local MP’ or ‘try and keep the job’ with others simply stating the unfairness of her situation in claiming that ‘it’s wrong by the Law’. For those aged 18-24, Looking at what respondents thought Alisha should do in relation to her employment problem by NEET/non-NEET status, Non-NEET 18-24 year old respondents more often suggested that Alisha speak to a CAB (24.7% v 10.7%), obtain legal advice/speak to a Solicitor (13.7% v. 7.1%) and lodge an internal

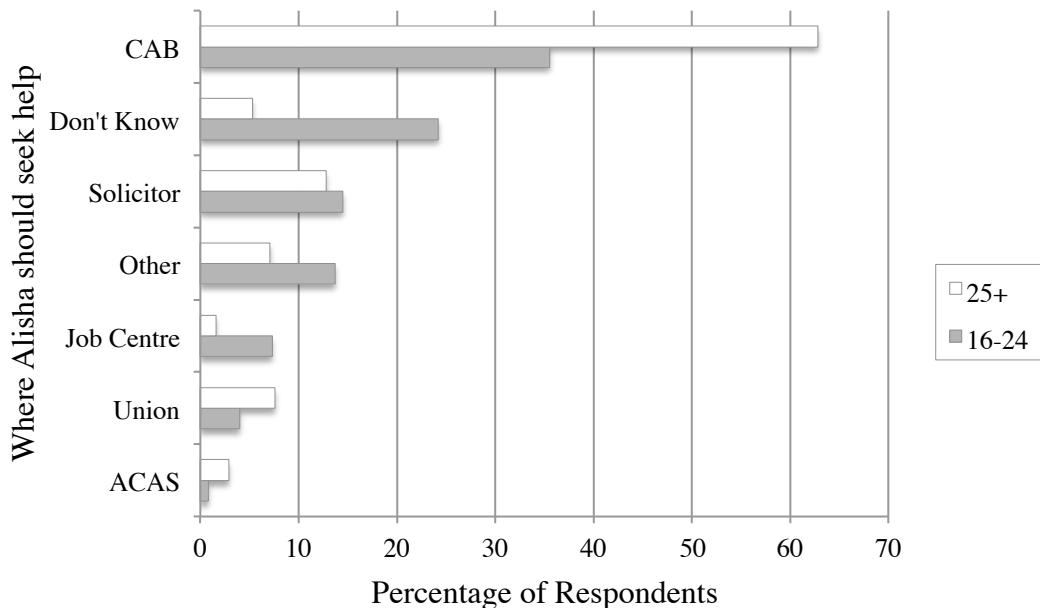
complaint or try to resolve the situation informally via HR (12.3% v 7.1%). Non-NEETs appeared more aware of ACAS with 1.4 per cent suggesting that Alisha speak to ACAS compared to none of the NEETs. NEETs more often responded that they 'didn't know' (21.4% v. 13.7%), they also more often suggested that Alisha go to a tribunal/court or arbitration (17.9% v. 8.2%) and more often suggested 'other' actions she could take (17.9% v. 8.2%).



**Figure 12.** What respondents thought Alisha should do in relation to her employment problem, by age

In respect of where Alisha should seek advice in relation to her employment problem as shown in Figure 13 those aged over 25 tended to recommend the CAB as a source of advice more often than those aged 16-24 (62.8% v. 35.5%). As was the case in the housing scenario, those aged 16-24 more often responded that they 'didn't know' where Alisha should seek advice (25.2 v. 5.3%). Contrary to the pattern seen in Figure 9 where those aged 16-24 less often recommended a lawyer/solicitor as a source of advice in relation to Alisha's housing problem, when it came to the employment problem, young people more often suggested seeking advice from a solicitor/lawyer than those aged over 25 (14.5% v. 12.8%). Older respondents more often suggested seeking advice from a Union (7.6% v. 4%), whilst younger respondents more frequently suggested seeking advice from a Job Centre (7.3% v.

1.6%). Other differences between the sources of advice recommended by the two age groups were small. 16-24 year olds offering ‘other’ responses suggested that Alisha get advice from ‘a free government agency’, that she consult ‘the human rights law act’, or that she speak to ‘Connexions’. Those aged 25+ suggested she speak to Age Concern, a Law Centre, an employment tribunal, or ‘an ombudsman’.



**Figure 13.** Where respondents thought Alisha should get advice in relation to her employment problem, by age.

## 3.6 Discussion

### 3.6.1 Summary of Results

#### 3.6.1.1 *The Experience of ‘Civil Justice Problems’*

Findings from the CSJPS found that young people experienced ‘civil justice problems’ at a rate of 32.4 per cent, with this rate being higher for those young people classified as not in employment, education or training (NEETs) at 47 per cent. In general, young people most commonly experienced Rented Housing, Consumer, Neighbours, Benefits, Debt and Employment problems more frequently than other problem types. Those aged 18-24 who were classified as NEETs reported

higher rates of experiencing problems associated with social disadvantage and exclusion, including problems with debt, family, education and rented housing problems. They also more commonly reported the experience of multiple problems. Modelling the impact of age on the likelihood of experiencing a problem demonstrated that the likelihood of experiencing a housing problem decreased as age increased, with the reverse being true for employment problems. While age and NEET status was not shown to be a statistically significant predictor of problem incidence, 16-24 year old NEETs were shown to have consistently higher predicted problem incidence across rented housing, employment and any problem types than 16-24 year olds non-NEETs.

### *3.6.1.2 Problem Resolution Strategies*

Young people typically attempted to handle their problem alone or with the use of non-professional advisors and only rarely obtained professional advice to assist them in resolving a problem. However the rate at which they sought professional advice was lower for those aged 16-24 than for those aged 25+. Young people also tended to do nothing about their problem more often than those over 25, although the difference was small (14.2% v 10%).

Age did not make much of difference in terms of whether an individual sought non-professional advice from others or not. However, differences could be seen in respect of the sources of advice individuals used. Young people more often sought non-professional advice from 'other relatives' (potentially parents) than those aged over 25 (77.7% v. 49.6%). Both groups reported similar rates of approaching friends for advice.

Individuals attributed their choice of non-professional advisor to perceptions of trustworthiness, knowledge and experience. Younger respondents more often reported a desire for their confidant to provide them with practical assistance rather than emotional support, unlike older people where the reverse was true. This practical support came in the form of help understanding their rights, signposting to services and help with understanding communication from the other side. Younger people also expressed a preference for non-professional advisors to resolve the problem for them (14.9% for those aged 16-24 compared to 8.3% for those aged 25+). The expectations held by younger people were not regularly met, with more

people obtaining emotional support than asked for it and less obtaining practical assistance. However, young people were more successful obtaining other forms of assistance from their confidant including having their confidant communicate or negotiate with the other side of their behalf.

Most individuals got what they wanted from their non-professional advisor. Compared to those aged 25+, 16-24 year olds were more successful in obtaining practical advice from their advisors. 81.8 per cent of 16-24 year olds who wanted 'help with understanding anything that the other side said' received this help, compared to 66.7 per cent of those aged 25+. Young people were also more successful than older respondents at obtaining 'financial support' when it was demanded and were also more successful in getting their advisor to contact the other side on their behalf, although numbers were small. Those aged 16-24 were less successful in obtaining 'information or advice about the problem' than those aged 25+ and only 83.3 per cent of those 16-24 year olds who wanted to 'talk the problem' over with their advisor actually felt that they were able to do so, compared to 91.4 per cent of those aged 25+. For both age groups, individuals found it difficult getting their chosen non-professional advisor to 'sort the problem out for (them)' (42.9 % for 16-24 year olds and 35.7% for 25+).

Exploring whether type of non-professional advisor made a difference to an individual's objectives, those aged 16-24 all turned to 'other relatives (which would include parents)' when they required 'financial support'. Young people also turned to 'other relatives' more often than other kinds of advisors when the demand was for practical support such as 'getting information or advice' (52.4%), 'sorting the problem out for you' (55%) 'communicating with the other side' (60%) and 'negotiating with the other side' (62.5%). Where the requirement was for greater emotional support such as 'talking the problem over' there was a greater balance between the advisors used, with 31 per cent talking to 'friends', 16.9 per cent talking to 'spouse/partners', 46.5 per cent talking to 'other relatives' and 5.6 per cent talking to 'others'.

#### *3.6.1.3 Use of the Internet*

For those aged 16-24, the 2010 CSJPS found that the Internet was used for 16.1 per cent of problems (22 of 137), compared to 21.7 per cent for 25-34 year olds (44 of

203 problems). For young people classified as NEET, the Internet was used less often.

Multilevel binary logistic regression modelling of use of the Internet to try and obtain advice/information for problems with a legal dimension on the basis of age group, home Internet access and their interaction using CSJS data, highlighted that having the Internet at home did not result in a significant increase in its use to address 'civil justice problems' for 18–24 year olds.

Education level was however associated with use of the Internet when faced with a civil justice problem. Applying a binary logistic regression model to predict use of the Internet for 'civil justice problems' on the basis of age group, academic qualifications and their interaction, found both age and academic qualifications had some impact on whether an individual used the Internet. When compared to those with no qualifications or O levels/GSCEs graded D–G (the reference category), having O levels/GCSEs graded A–C, A/AS levels and degrees/diplomas in higher education all resulted in a significant increase in the likelihood of 18–24 year olds trying the Internet. Use of the Internet was far more common for those with the highest academic qualifications (e.g. 25.1% of those with higher degrees tried the Internet) and far lower for those without qualifications (where only 5.8% tried the Internet).

When using the Internet, in both the CSJS and the CSJPS young people frequently wanted information to help resolve their 'legal problem' (at a rate of almost twice of that reported by those aged 25+). However, they were not particularly successful in obtaining this information with the CSJS highlighting that only 12.1 per cent obtained all the information they needed to resolve their problem. A further 18.2 per cent reported failing to obtain any information from the Internet compared to 8.4 per cent of those over 25.

The CSJPS highlighted that when 'information to resolve the problem' was split into two categories, 'information about rights' and 'information to resolve the problem' individuals were more commonly seeking the latter but more successful in obtaining the former. Young people more often obtained contact details for an advisor than specifically setting out to obtain this information.

In terms of whether those who wanted something specific were successful in obtaining it using the Internet, the results were mixed. Of those two 16-24 year olds who wanted to identify an appropriate source of advice, only one succeeded. Of the

four respondents who desired a telephone number, all were successful. An individual who wanted details of an advisor to see in person was not successful, neither were the three who wanted to find somebody to solve the problem for them. Young people were even less successful in obtaining information from this Internet with only 3 of 26 managing to find all the information they required.

There was little evidence of 16-24 year olds remembering the name of the websites they visited when searching for information online. Of those who did remember the website they used, there was a lesser range of main websites reported. The DirectGov website (now gov.uk), the websites of suppliers and 'other' websites were popular choices. Individuals (including those who could not remember the website they used) frequently reported finding the website through a Google search, with young people reporting high rates of referral from correspondence with the other side. There was not a great deal of difference among the age groups in respect of the time they spent online in relation to their problem and although time spent online was correlated with problem severity (with time spent increasing in line with severity) this finding failed to reach statistical significance.

#### *3.6.1.4 Knowledge of Rights and Strategy*

In respect of knowledge of rights, younger respondents demonstrated less knowledge on the housing questions, whereas the mean scores were fairly even on the employment questions. In both the housing and employment hypothetical, 16-24 year olds without educational qualifications scored lower. The overall mean on the housing hypothetical was 4.3 out of 6 (SD=1.2). Those over 25 achieved a mean of 4.3 (SD=1.2) whilst 16-24 year olds achieved a mean of 3.8 (SD=1). This difference was statistically significant, suggesting that age did play a role in improving the probability of an individual answering more questions correctly. The mean for young people with some educational qualifications was 3.8 (SD=1) compared to 3.5 (SD=1.3) for those without educational qualifications, however this difference fell short of statistical significance. For the employment hypothetical an overall mean score of 4.0 out of 6 (SD=1.3) was found. Young people scored a mean of 4 (SD=1.3) compared to a mean of 3.9 (SD=1.3) for those aged 25+, although this difference did not reach statistical significance. The mean for 16-24 year olds with qualifications was 4.1 (SD=1.3) compared to 3.4 (SD=1.4) for those without

qualifications. Difference in employment scores on the basis of educational qualifications, was statistically significant.

When asked what Alisha should do about her housing problem, responses varied. Older respondents commonly suggested calling the Police (35.8%), obtaining legal advice (18.4%) or seeking help from the CAB (14.3%). Young respondents most often suggested seeking advice from the Police (36.9%), with a reasonably high number of 16-24 year old indicating that they did not know what Alisha should do (18.9% compared to 11.1% of 25+ year olds).

In respect of where Alisha could get advice for her housing problem, High numbers of both 16-24 year olds and 25+ year olds suggested that Alisha seek advice from the CAB (42.6% for 16-24 year olds, 69.8% for those 25+). Older respondents did however tend towards a Solicitor/Lawyer more often than those aged 16-24 (17.1% versus 9%). Younger respondents more often ‘didn’t know’ where Alisha should seek advice (19.7% v. 4.1%), suggested the local council/local authority (11.5% v. 2.9%) or family/friends (5.7% v 0.3%). 16-24 year old NEETs suggested seeking help from a CAB more often than non-NEETs (69% v 42.5%), whereas non-NEETs more often suggested seeking help from the Local Council (12.3% v 3.8%) and a solicitor (11% v 3.8%).

In respect of her employment problem, those aged 25+ more often suggested Alisha should seek advice from her Union (21% v. 13.2%) or a CAB (29.3% v. 17.8%). Those aged 16-24 more often ‘didn’t know’ what Alisha should do (18.6% v. 5.6%) with this suggestion more common among NEET respondents. Young people also more frequently suggested resolving the matter internally by speaking with a Manager, HR, or going through an internal appeal process (12.4% v. 6.9%).

Finally with respect to where respondents thought Alisha should go to obtain independent advice in respect of her employment problem, those aged over 25 recommended the CAB as a source of advice more often than those aged 16-24 (62.8% v. 35.5%) and those aged 16-24 more often responded that they ‘didn’t know’ where Alisha should seek advice (25.2% v. 5.3%). Older respondents more often suggested seeking advise from a Union (7.6% v. 4%), whilst younger respondents suggested seeking advice from a Job Centre more frequently (7.3% v. 1.6%). Whilst other differences were seen between the sources of advice recommended by the two age groups, these differences were small. Non-NEET 16-24 year old respondents more often suggested that Alisha speak to a CAB (24.7% v.

10.7%), obtain legal advice/speak to a Solicitor (13.7% v. 7.1%) and lodge an internal complaint or try to resolve the situation informally via HR (12.3% v 7.1%).

### **3.6.2 The Experience and Resolution of ‘Civil Justice Problems’**

#### **3.6.2.1 Civil Justice Problem Experience**

In keeping with the first hypothesis proposed, findings demonstrated that problem experience did vary with age, with the likelihood of experiencing a rented housing problem falling as age increased and the reverse applying in respect of employment problems up to the point of retirement. NEET status was a statistically significant predictor of the likelihood of experiencing a housing problem for those aged 18-24 but not so for other age groups. NEET status did not increase the risk of an employment problem at a statistically significant level according to the model, but NEETs did report a higher rate of employment problems. Furthermore, NEET status did expose 16-24 year olds to a higher risk of experiencing any kind of civil justice problem. These results are best explained with reference to the existing literature (e.g. Balmer et al 2007, Pleasence et al 2011, Youth Access 2002) which notes that exposure to the risk of a civil justice problem is partly a function of the experiences young people are going through at a particular point in time, with young people more often living in rented accommodation, but also less often in employment (as is also true for NEETs). Results are in keeping with findings from Coumeralos et al (2013) whose Legal Australia-Wide Survey also found that disadvantage was associated with a greater level of problem incidence. As found by Balmer et al in 2007, NEETs are still an at-risk group in so far as certain problems associated with social disadvantage are concerned.

#### **3.6.2.2 Problem Resolution Strategies**

As hypothesised, compared to older respondents, young people did exhibit less inclination to resolve their problem by themselves. When younger respondents did seek help from others, as was also hypothesised, they tended towards non-professional sources of advice more often than those aged 25+. Interestingly there was a marked difference in the rate at which those over 25 and those under 25

obtained assistance from 'other relatives'. 'Other relatives' include parents and although it is not possible to determine exactly which relatives young people were referring to, a reliance on parental support is in keeping with existing literature (e.g. FSA 2005, Kenny 1986).

As was also hypothesised, young people appeared to need more practical support and guidance from non-professional advisors than older respondents. Whilst previous research has attributed choice of advisor/problem solving strategy to a range of factors including familiarity with the source, convenience, experience and access, the reliance that young people had on more 'practical forms' of support suggest that young people are still in the process of developing the autonomy and confidence to handle their problems alone. This would support some of the issues of cognitive development identified by Mann et al (1989) and Kenny (1986). It may be that in obtaining practical support, the emotional anguish that comes with the stress of handling a problem is diminished, meaning the need for emotional support is also diminished. As has been found in the existing literature, (e.g. Wintre et al 1989, Seiffge-Krenke 1993, Wintre and Crowley 1993) an individual's choice of advisor reflects what an individual requires from them. So it is likely that 'other relatives' are chosen when a more hands on response is required, whereas 'friends' are chosen when emotional support is needed, instead of, for example, financial support.

Interestingly, unlike young people, looking at the reasons those aged 25+ gave for choosing their advisor, issues of 'trust' and 'experience' were less important than 'habit', as denoted by the fact that those aged 25+ commonly indicated that their advisor was ('the person I usually talk to'). In addition to the practical assistance or emotional support an advisor can offer, the idea of trust being important to younger respondents is in keeping with existing literature (e.g. Greater London Authority 2002, Michael Bell Associates 2007).

Convenience has also been noted as an important factor that dictates the source of advice chosen – with young people often prioritising the convenience of obtaining advice over other influences such as the quality of advice obtained (Connaway et al. 2011). However, whilst there were differences between the strategies adopted by younger and older respondents, it is not clear what factors might be responsible for these differences. One theory that emerges from the findings of this study and is in line with existing research (see e.g. Denvir et al 2012), is that lesser levels of

experience resolving problems independently, may account for the lower levels of self-reliance demonstrated by young people. The fact that young people require greater practical assistance is synonymous with lesser confidence in their ability to resolve a problem independently which would imply diminished legal capability (Barendrecht and Porter 2010) and may reflect some of the more complex aspects of confidence and self esteem emerging during adolescence, which impact upon help-seeking behaviour as Acquilino (1997), O'Conner et al (1996) and Mann et al (1989) discuss.

### 3.6.2.3 *Internet Use*

In keeping with earlier findings indicating that young people are less likely to use the Internet for obtaining advice (Greater London Authority 2002, Michael Bell Associates 2007) the same was also found in this study. However, whilst use was comparatively lower in the 2010 CSJPS when compared to those aged 25-34, there was little difference between usage rates for those aged 16-24 and those aged 35+. This differentiates these findings from those reported by Denvir et al (2011) who relied on CSJS data from 2006-2009. As has been previously reported (see e.g. Denvir et al 2011, Denvir and Balmer 2014, Dutton, Helsberg and Gerber 2009, Dutton and Blank 2011) and as is confirmed in this study, use of the Internet is changing over time. CSJPS results demonstrate less disparity between young people and other age groups when looking at use of the Internet for advice seeking than earlier CSJS results. As the population of England and Wales continues to age, usage rates across age groups seems likely to converge (Denvir et al 2011, Denvir and Balmer 2014, Balmer et al. 2007), this may not address all issues of the second digital divide, it seems at least that willingness to use the Internet is growing (Hargiatti 2002).

As was also hypothesised, for respondents aged 18-24 having home Internet access did not result in a leap in Internet use for 'civil justice problems' compared to other age groups. That is to say, for those aged 18-24, CSJS 2006-2009 data indicated that home access influenced the extent to which older age groups turned to the Internet for their 'civil justice problems' far more than it influenced usage rates for younger respondents. This might be explained by the fact that young people without access at home were able to gain access in other locations such as at

educational establishments or places of employment. It is telling that a large proportion of those without Internet access at home who used the Internet to help resolve their civil justice problem, were in full time employment (62.5%). As the Oxford Internet Study has found, young Internet users benefit from a wide range of access points (Dutton et al. 2009, Dutton and Blank 2011). This may also explain why for 18-24 year olds, education level played a much larger role in dictating Internet use than it did for older age groups, since educational institutions offer access to the Internet. Equally, it may not be a matter of access (first digital divide) but rather a function of capacity (second digital divide) (Hargiatti 2002). Findings suggest that age and education have an impact on Internet use independent of each other (Eynon and Malmberg 2011, Cheong 2008) and as the results from this study demonstrate, this is exacerbated when age and low educational attainment coincide.

As was also hypothesised, younger users struggled to remember the names of the websites they used. Existing studies have attributed this to a number of factors. This includes the fact that Internet use encourages browsing and less engagement with specific sources of advice, the fact that younger users are more prone to memory overload, and the fact that younger users rarely note the 'brand' of the websites they use and who stands behind the resources (e.g. Bilal and Kirby 2002, Cockburn and Jones 1996, Landauer et al. 1992, Eysenbach and Kohler 2002, Lorenzen 2001, Nichols et al. 2003). In the case of this study, memory decay over the course of the survey's reference period must also be seen as a relevant factor influencing website recall. Nonetheless, the fact that younger people more often failed to recall the main website they used as compared to older respondents may reflect the findings of Cockburn and Jones (1996) who attributed memory failure to cognitive development.

It was also the case, as hypothesised, that younger respondents presented with less specific aims of Internet use, reflecting findings from Denvir et al's (2011) analysis of CSJS data and Schacter et al's (1998) research in which the author found that younger respondents preferred to 'browse' rather than 'fact find'. Without capturing web-searches it is not possible to attribute this to any particular style of Internet use. However young people more commonly reported 'general objectives' when using the Internet such as finding information to help solve the problem, rather than specific types of information such as the phone number of an advisor. This suggests that unlike older respondents, particularly the oldest respondents, as was the

case in Denvir et al's 2014 study, young people are not using the Internet simply as a telephone or advice service directory. As was also hypothesised, young people were less successful in achieving their goals (e.g. 'Information to help solve the problem') as has been found previously (Denvir et al 2011). It is interesting to note that older people appeared to have greater success in finding 'information to help resolve the problem' than young people. Thus, it may not necessarily be a matter of content availability, but rather, young people's capacity to find it. Notwithstanding this, it is difficult to draw clear conclusions about differences in success between younger and older respondents without knowing whether the 'information to help solve the problem' they were seeking was actually of a comparable nature.

'Information to help solve the problem' is a broad objective that might encompass 'information to clarify the nature of the problem' and 'information to help an individual resolve the problem'. Unlike the categorisations developed by Rose and Levinson (2004), 'information to help resolve the problem' does not give sufficient insight into the nature of the material individuals are seeking (e.g. whether they formulate queries as questions or whether they are seeking more 'open-ended' information). The fact that this categorisation is so broad means that it is difficult to assess whether these goals were realistic. It may be that in the absence of experience young people have greater expectations as to what the Internet can offer and therefore a greater sense of disappointment when these expectations are not met. Alternatively, it may be that the content young people desire is a legitimate expectation, yet absent from the main advice websites. Findings do however highlight that young people in the CSJPS were reliant on search engines to direct them to appropriate results, as was also found by Eysenbach and Kohler in 2002.

#### 3.6.2.4 *Knowledge of Rights*

As far as knowledge of rights (as a proxy for legal capability) is concerned, the hypothesis that younger respondents would answer a greater number of questions incorrectly on the housing and the employment hypotheticals was only partially shown to be the case. For the housing problems, age had a statistically significant influence on score, with older respondents achieving slightly higher scores out of 6 than younger respondents. The reverse applied in respect of the employment hypothetical where younger respondents actually achieved a slightly higher mean

score out of 6, however differences between the two age groups fell short of statistical significance.

Existing research has demonstrated poor knowledge of rights amongst the general population (e.g. Pleasence and Balmer 2012) and lower levels of knowledge among young people (e.g. Youth Access 2002, Parle/IARS 2009, Balmer et al. 2007, Ruck et al. 1998). This existing research was only partially supported on the basis of the findings detailed in this study. Moreover, this research highlights that although there were many respondents who failed to achieve any correct answers, mean scores were reasonably high with around 60 per cent of questions answered correctly. This would suggest that knowledge is higher than previous studies have reported (e.g. Kim 1999, Tennant et al. 2006, Barlow et al. 2005). However, the findings from this study must be carefully interpreted. There are limitations associated with the use of hypothetical questions as has previously been explored by Denvir et al (2013) and the findings of this study are not directly comparable to those of existing studies.

Interestingly, although previous research has linked knowledge of rights to education level (Parle/IARS 2009), in this study, education level only produced a statistically significant difference for 16-24 year old in respect of the employment problem. This may reflect a relationship between education level and exposure to employment, which would fit in with Barkun's (1973) theory that knowledge of rights is acquired through legal socialisation. However, differences were not large and although education may play a role, the evidence emerging from this research tends to support the findings of Pleasence and Balmer (2012), Kim (1999) and Barlow et al (2005) who have proposed that understanding of the law is often informed by people's view of what the law should be, rather than what it actually is. Where the law ran contrary to reasonable notions of fairness, individuals typically fared worse when answering the hypothetical questions. The possibility that individuals' beliefs about the law are informed by perceptions of fairness is somewhat concerning in instances where the law and fairness do not appear to align. It also raises concerns with respect to the extent to which these perceptions might impede the acquisition of knowledge when using the Internet to assist in the resolution of a civil justice problem.

The hypothetical questions also demonstrated a lack of knowledge of strategy with young people not only less familiar with a number of sources of advice, but also often claiming that they 'didn't know' what the protagonist should do about the

problem more frequently than older respondents. As hypothesised, those aged 25+ had a clearer idea of how the protagonist should handle the problem as well as the independent sources of advice available. This implies that life experience may play a role in guiding action as suggested by Denvir et al (2012). It further supports the theory that young people may have diminished legal capability on account of their relative inexperience, which results in lesser knowledge of how to handle problems and the sources of advice available.

### **3.6.3 Policy Implications**

Somewhat paradoxically, as Bennett et al first noted in 2008, the fact the young people have grown up in an increasingly ‘wired’ world is not indicative of a greater aptitude with Internet technologies (Bennett et al. 2008). Nor is it indicative of a greater inclination or ability to use such technologies to obtain problem-solving information, as compared to older age groups. For young people there is evidence that the rate of use is increasing, although there are certain groups who lag behind, notably NEETs and those with lower educational attainment. For these groups, although Internet use may become an increasingly attractive option as access to traditional advice diminishes, young people still have a clear reliance on the support of relatives to assist them with problems. From a policy perspective, any decline in the availability of traditional forms of advice will adversely affect those young people who are socially excluded and who lack both Internet access and the support of family and friends.

From CSJS and CSJPS data, it is difficult to gain clear insight into the role that the Internet plays in problem resolution. For young people, use is directed towards information gathering rather than signposting to services. Yet older respondents appear to have an easier time acquiring ‘information to help them solve the problem’ than young people do. It is not certain whether this is down to differences in the type of information they require or differences in their capacity to find this information. What is clear is that the way in which Internet services are designed so as to best meet the needs of young people is an area which demands further research. Findings from this study indicate that online service providers have a number of challenges to face. This includes the fact that all individuals (not just young people) are dependent on search engines to direct them to websites and easily forget the sources they used.

There is an ongoing issue as to how to ensure young people are directed to appropriate sources of online information. Questions also remain about the extent to which existing ‘knowledge’ (or ‘assumptions’) about the law, might influence whether individuals accept or reject information they read online, especially where information contradicts an individual’s existing perceptions or misperceptions.

There needs to be caution in assuming that all young people can self-help using the Internet. If the intention is to provide online resources that facilitate ‘self-help’ (as opposed to simply acting as a directory service guiding individuals to offline advice), the Internet’s convenience and interactivity offers certain benefits. However, its utility will continue to be constrained by the limits that normally apply to offline self-help in the field of law and this includes not just the quality of self-help material but the individual’s capacity to use it.

#### **3.6.4 Future Research**

In such a fast moving field as technology, there are some challenges in relying on the existing research conducted when the Internet was first emerging. However, it is the case that many of the studies examining search behavior and human-computer interaction are now over a decade old. Obtaining fresh insight about public Internet use through alternative means including longitudinal surveys such as the CSJS and CSJPS is also not without its limitations. More research using alternative (contemporaneous) methods of data collection is needed in order to explore how young people search online, the websites they tend towards and the extent to which they manage to obtain information about their rights and how to handle a civil justice problem. Doing so enables a better understanding of the extent to which content and information-seeking behaviours are meeting informational needs, how resources can be designed in order to maximise their usefulness, and the role of the Internet in an individual’s overall problem-solving strategy. The methods and data reported on in Chapter 4 should be considered a first step in the direction of this future research.

## **4. SEARCHING AND ACQUIRING INFORMATION ONLINE: THE RESULTS OF AN ORIGINAL EXPERIMENT**

### **4.1 Introduction**

Chapter 3 demonstrated that use of the Internet to obtain legal information has continued to rise over the last decade, however the extent to which those using the Internet are successful in achieving their objectives, continues to vary across groups, remaining lower among those aged 16-24. As a result, issues around access have taken a backseat to the issues that arise in respect of an individual's capacity to use the Internet for a range of tasks, including information retrieval and problem solving.

How individuals search online, the websites they tend towards and the way in which exposure to information impacts upon knowledge, remain issues of clear importance. Not only because of the growing interest in the role technology might play in service delivery, but also on account of reductions in the availability of publicly funded professional legal advice and the upturn in self-help (and online self-help) that is expected to follow the legal aid reforms of 2012. More information regarding how people interact with the Internet when faced with a civil justice problem is warranted, especially since existing research across a range of subject areas has highlighted a number of issues of particular concern. When it comes to searching for legal information, problems are arguably compounded as issues relating to legal capacity also become more relevant (see e.g. Barendrecht and Porter 2010, Giddings and Robertson 2001, 2003). The issues identified in existing studies pose challenges for both users (particularly younger users) and website designers.

#### **4.1.1 Problem Characterisation**

'Everyday life information seeking' generally starts with a sense of coherence surrounding the problem (Spink and Cole 2001). Yet, although 'civil justice problems' are everyday and commonplace, many people who are facing what are characterised as 'civil legal problems' may not themselves perceive their problem as legal in nature (Pleasence et al 2010b, 2011). This may make it difficult for individuals to define their information search request, a problem Belkin (1980) terms

the ‘non-specifiability of information need’. Whilst the characterisation of a problem as legal may not act as a precursor to searching online, it may influence the type of information an individual is looking for when searching online and the key words they use to find material. Search queries may reflect poor knowledge of the subject matter and how an information retrieval task is represented in people’s minds (Marchionini 1989). In Marchionini’s (1989) semantic analysis of queries, subjects did not have difficulty grasping major facets of the information need such as person, place, and activity, however they typically used terms present in the task statement to assist them in finding information. This was also found by Zhang (2008) and is supported by the findings detailed in Chapter 3 where young people often found the ‘main website’ they used via material sent by the other side. In other words, in the absence of existing knowledge, young people often use cues to guide their information retrieval processes.

Cues are however not always available, and individuals may instead rely on the assumptions they have about the nature of their problem in order to guide their web searching. However, individuals do not always recognise that the problem they are experiencing is legal in nature and do not always have a clear understanding of their legal rights (Denvir et al. 2012, Kim 1999, Barlow et al. 2005, Pleasence and Balmer 2012, Tennant et al. 2006, see also Chapter 3) which raises the issue of ‘confirmation bias’ (Metzger et al. 2010). Poor knowledge of the law and how search engines respond to search queries is also likely to have an impact on the extent to which individuals realise the importance of jurisdiction when seeking information from the Internet. Existing research highlights some of the concerns that may arise as a result of lack of legal capacity and knowledge, but there are also issues of a more technological nature that arise as part of web-searching.

#### **4.1.2 Searching the Web**

When it comes to using the Internet to address informational needs, individuals rarely navigate directly to websites (Rose and Levinson 2004); are not good at remembering the names of the websites they use, or have used in the past; and rely strongly on search engines (Eysenbach and Kohler 2002). This reliance on search engines means that errors can arise when formulating a search phrase and when selecting between a range of resources. Puustinen and Rouet (2009) note that

document searching (online or otherwise) requires self-awareness of one's information needs as well as the ability to make a judgment as to when sufficient information has been gathered. However, the same authors note that users often have trouble selecting relevant categories from web-like menus, struggle to generate an appropriate set of key words when utilising search functions, and rarely think to use synonyms or alternative words upon initial failure (see also Bilal 2002, Dinet et al. 2004). This will have some influence on the nature of resources appearing in search result pages.

Some of the specific challenges young people face, include the fact that they demonstrate a lack of confidence in formulating keywords, are unsure if the information they require exists, are often unsure of what to do if their search results present too much information, or what steps to take if the information they require is not available all in the one spot (Shenton and Dixon 2004). The authors also note (along with Connaway et al. 2011) that young people are motivated by information seeking strategies that prioritise speed, potentially at the cost of quality. Spink et al (2000) further highlight individuals' superficial interaction with the Internet and search engines, finding that they conduct on average 4.86 queries per session, with a median of 8 queries. However, on average only 2.52 of these queries are unique, suggesting that individuals have a tendency to reformulate existing queries to generate new results. Moreover, the nature of the search terms used also tend to be on the shorter side, with an average of 2.4 keywords per search (including repeat queries), a finding supported by other studies (e.g. Rose and Levinson 2004).

Previous research has also found that young people tend to seek answers rather than aiming for a general understanding of the issue and fare better when dealing with 'closed-ended questions' (Bilal and Kirby 2002). Yet there is also evidence to suggest that young people are keen browsers and therefore do better when 'researching' online rather than when 'fact-finding' (Schacter et al. 1998). These issues are not limited to younger users, but as Bilal and Kirby's (2002) study demonstrates, age is a factor influencing search success. Possibly because the Internet is associated with memory overload, diminishing recall during navigation and resulting in young people searching more than browsing when undertaking online tasks. With young people are more prone to experiencing memory overload than older people, this may account for their lower levels of success when undertaking online information retrieval tasks (Bilal and Kirby 2002, Cockburn and

Jones, 1996). Thus, there is evidence to suggest that some of the challenges that arise from younger users interaction with the web may be biological in nature – issues associated with cognitive development. Equally, differences in success rate between age groups may reflect education level or broader aspects of technological competence that transcend biological age.

Where search results are difficult to procure, even those who are initially motivated may become unwilling to persist with searching online. This is an issue raised by Rieh (2004) and Connaway et al. (2011). The latter study explores convenience as a central factor in the use of the Internet and indeed the decision not to use it, with (74% of) respondents stating that the Internet was not always chosen because it was the most apt resource, but nearly always because it was the most convenient (93%). Moreover, whether as a consequence of convenience or naivety, users have been found to easily trust the information they find on websites, rarely thinking to check the ‘About Us’ section of websites, or concern themselves with who stands behind the information they are reading (Tabatai and Shore 2005, Eysenbach and Kohler 2002).

#### **4.1.3 Technological Innovation**

Although the existing research seems somewhat damning in respect of young people’s capacity to interact with the Internet, much of it is now over a decade old. Search technology is making it easier for individuals to define their informational needs. The incorporation of search suggestions, which appear under the search box in Google searches, gives individuals cues as to the wording that they might use when conducting searches. Modern search engines have been designed to presuppose the intent of the user rather than simply responding to keywords (Baeza-Yates and Raghaven 2010). This has become important for Google, who have recently changed the algorithm driving their search engine from a keyword-based system, to a question and answer-based system (Gibbs 2013). Understanding how users search for information is as important as understanding how information is returned by search engines. The shift from a ‘key word’ based algorithm to a ‘question-based’ algorithm marks a transition in the nature of web content and will see Google prioritise the return of websites which are not only popular but which offer answer-driven content (Gibbs 2013). Early adopters are likely to be rewarded with higher

ranking on search engine results pages, however this requires that web designers and policy makers have reliable insight into how individuals search and the likely search questions they use when seeking out specific information.

From a user perspective however, if individuals rely on search engines without developing the capacity to independently evaluate the resources they are presented with themselves, this exposes them to a number of further challenges. Where individuals lack the ability to critically appraise the information they receive, they can often attribute a service/resource/product with the benefits it purports to offer rather than the benefits it actually does offer. This is often used to the advantage of advertisers in commercial fields, where as Percy (2004) highlights, both suggestibility (the tendency of individuals to relate something learned from outside experience to something personally experienced) and transience (associating a brand with what individuals expect from it rather than what they actually gain from it) confound the public's perception of the actual value derived from the service/resource/product. This has implications for users in the sense that it is often commercial services, which direct more money towards branding, search engine optimisation and advertising, even although third sector providers may offer better content.

Establishing the role online legal services/advice have to play should be informed by the answers to a number of key questions. Up until recently there were relatively few methods by which the public's use of the Internet for legal advice seeking could be explored. Policy decisions made by a range of stakeholders in relation to online legal information have consequently lacked an evidence base. There is little known about the resources individuals tend towards (aside from those detailed in Chapter 3), the role the Internet might play in problem solving (as perceived by users) and whether online information/advice can negate the need for offline professional advice. This understanding is necessary in order to conceptualise the benefits and limitations of the Internet as a legal information portal. Employing a novel methodology, this Chapter bridges the gap in understanding, to focus on 'how' individuals seek information online, including the search terms they use, the extent to which the Internet improves knowledge of rights and understanding of strategy, and the implications these findings pose for policy.

## 4.2 Aims and Hypotheses

This study draws on data collected from 208 young people aged 15-26 who participated in an online survey/experiment. This study sets out to determine: how young people go about using the Internet when faced with a hypothetical ‘legal problem’; the extent to which use of the Internet improves knowledge of rights in relation to a specific ‘legal problem’, and as part of this, the extent to which signposting to a particular website assists in the acquisition of knowledge; the extent to which young people recognise the Internet as a helpful resource in the ascertainment of rights-based knowledge; and, the extent to which use of the Internet promotes respondents’ knowledge of advice services and the appropriate action to take to resolve the problem.

In relation to Internet use and access, it is hypothesised that respondents in this study will identify mainly as medium users of the Internet according to Ofcom typologies (as explained further in Section 4.4.1) as is consistent with Ofcom findings (2011).

Turning to search behaviour, based on the findings of Rose and Levinson (2004), Bilal and Kirby (2002) and in keeping with the results of Chapter 3, it is firstly hypothesised that search engines will feature heavily in Internet use for the experimental task, in preference to searching within websites. It is secondly hypothesised that based on the work of the same authors, as well as that of Wallace and Kuperman (1997 as cited by Bilal 2000) that search phrases will tend towards ‘fact-finding’ rather than more general browsing.<sup>20</sup> This fact-finding behaviour will also be evidenced by greater use of search engines to lead to results rather than navigation and browsing through websites. It is thirdly hypothesised, in line with the work of Bilal and Kirby 2002 and Kuperman (1997 as cited by Bilal 2000) that ‘fact-finding’ behaviour (i.e. ‘question-based’ searching) will be demonstrated more often by younger users than older users, particularly older users with subject matter experience (law students); as those with subject matter experience will work towards gaining a greater sense of coherence of the problem as whole. Drawing on Spink et

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<sup>20</sup> In chapter 3 it was hypothesised that respondents would present with less specific aims of Internet use, indicative of their preference for browsing and in anticipation of the fact that those experiencing an actual problem may not have a ‘cue’ to guide their search. In this study however, it is expected that having posed particular dilemmas, respondents will have a clearer textual cues from which to draw, leading to fact finding in favour of browsing.

al's (2000) and Bilal and Kirby's (2002) findings, in conjunction with those of Puustinen and Rouet (2009) it is fourthly hypothesised that participants in the study will experience difficulty formulating original search terms. This will be evidenced by: a failure to use synonyms when searches do not yield suitable results; a tendency towards repeating searches but changing certain elements such as the order of words or use of connectors or conjunctions (representing a similar, but not exact version of 'looping' as described by Bilal and Kirby (2002)); and reliance on 'cues' extracted directly from the hypothetical questions rather than the 'translation' of these questions into appropriate search terms (as seen by Zhang (2008) and Marchionini (1989)).

With regard to website use and legal capacity, it is firstly hypothesised, based on the findings of Brand-Greuwal et al (2009) that individuals will exhibit a tendency to overlook the jurisdictional relevance of the websites they are viewing and that this behaviour will be more common among younger participants and participants without subject matter experience than those with subject matter experience (i.e. law students). Secondly it is hypothesised that respondents will often use less reputable sources of advice. This will include use of discussion boards and commercial websites, without consideration given to the source of the material, as has been found by Eysenbach and Kohler (2002).

In respect of knowledge of rights, it is firstly hypothesised that individuals will improve their knowledge scores following Internet use. While existing research is unclear as to how individuals come to acquire knowledge of their rights (see e.g. Barkun 1973, Saunders 1975) it is expected that some reference material will be of greater benefit to respondents than their reliance on memory alone. However, it is secondly hypothesised that not all scores will improve following Internet use, nor will all scores improve at the same rate.

Looking at perceptions of the Internet's usefulness, it is hypothesised on the basis of Percy's (2004) research, that there will be evidence of suggestibility among participants. It is expected that individuals who use a hint will go on to report the Internet as being useful even where they do not experience an improvement in their knowledge of rights score.

Examining confidence in asserting rights, it is expected that the level of confidence respondents' express at the prospect of handling the protagonist's problem alone will diminish following Internet use. This hypothesis is justified on

the basis of two considerations. The first being the paucity of strategy-orientated information available online as identified by Advice Now in 2006 (which may or may not have been rectified over the last decade), the second is the fact that, as discussed by Denvir et al (2012), knowledge of rights may bring with it a better understanding of the need to get guidance from a more authoritative figure. That is to say, knowledge of rights may disempower respondents by highlighting the complexity of the problem and the need for professional assistance.

Finally, in respect of personal problem solving strategy, in keeping with the findings detailed in Chapter 3, it is hypothesised that young individuals will continue to demonstrate a preference for offline sources of advice, particularly parental support to help them resolve a civil justice problem (FSA 2005, Kenny 1986, Wintre et al. 1989).

### **4.3. Method**

This Chapter relies on data collected through an Internet use survey/experiment, which captured the responses of 208 individuals aged 15-26. Data collection was designed to address some of the limitations of CSJS/CSJPS data. The survey provided the opportunity to embed within it, a search experiment/Internet task based on a hypothetical legal scenario. This was designed to measure the degree to which use of the Internet was capable of improving an individual's knowledge of rights and of how to handle a particular civil justice problem. By recording participants' web-search behaviour throughout the task, the research could explore how participants searched online as well as the effect of the Internet on knowledge of rights and as part of this, the effect of signposting individuals to particular websites.

#### **4.3.1 Structure**

The survey was comprised of 4 parts, each focused on a different set of questions and utilising a mix between open-ended and multiple-choice responses.

- **Part 1** contained questions on general Internet use, trust in the Internet, and home access so as to establish the level of access, experience and confidence the participant had in the Internet and their ability to use it.
- **Part 2** contained demographic questions designed to determine the age, gender, education level, current career/intended career, home environment,

personal and parental state benefit receipt, health status, and postcode area of participants, enabling demographic profiling.

- **Part 3** initiated the experiment process, asking six questions in relation to one of two hypothetical ‘legal problems’. Individuals answered these six questions twice, firstly without help from the Internet and again with help from the Internet to find/confirm answers.
- **Part 4** asked questions relating to advice seeking behaviour so as to explore respondents’ advice seeking preferences.

Where possible, questions followed the same format as they appeared in the CSJS/CSJPS, so as to maximise comparability. Employment and housing were chosen as the two problem types for the hypotheticals, for a number of reasons. Firstly, as individuals’ transition from adolescence to adulthood, two of the main changes they experience, involve moving out of home (generally into rented accommodation) and finding employment (part-time or full-time) (Curtain as cited in World Bank 2003, World Bank, 2011). While the incidence of problems might not be as high for employment as it is for housing for this age group, legal rights as they relate to housing and employment are of particular pertinence. In addition, the two hypothetical scenarios selected also offered an interesting contrast as young people typically seek more advice for housing problems than they do for employment problems. There was also a desire to ensure that the hypotheticals used mimicked those used in the CSJPS, thereby allowing for comparability across the datasets. The CSJPS included four hypothetical scenarios relating to: separation, consumer purchasing, housing, and employment. Separation was deemed less applicable to the age group and while consumer issues are applicable, employment and housing problems are associated with higher rates of severity, which has an impact on the adverse consequences that result (Pleasence et al. 2011). In addition to these considerations, selecting housing and employment problems enabled the research to use two separate ‘hint’ websites, the [www.shelter.org.uk](http://www.shelter.org.uk) website and the [www.adviceguide.org.uk](http://www.adviceguide.org.uk) website as well as representing good examples of the types of problems for which answers can readily be found online. The hypothetical scenarios are detailed in Table 15 and 16, with the full questionnaire available in Annex A.

**Table 15.** Hypothetical housing scenario and questions presented to respondents (correct answers in bold)

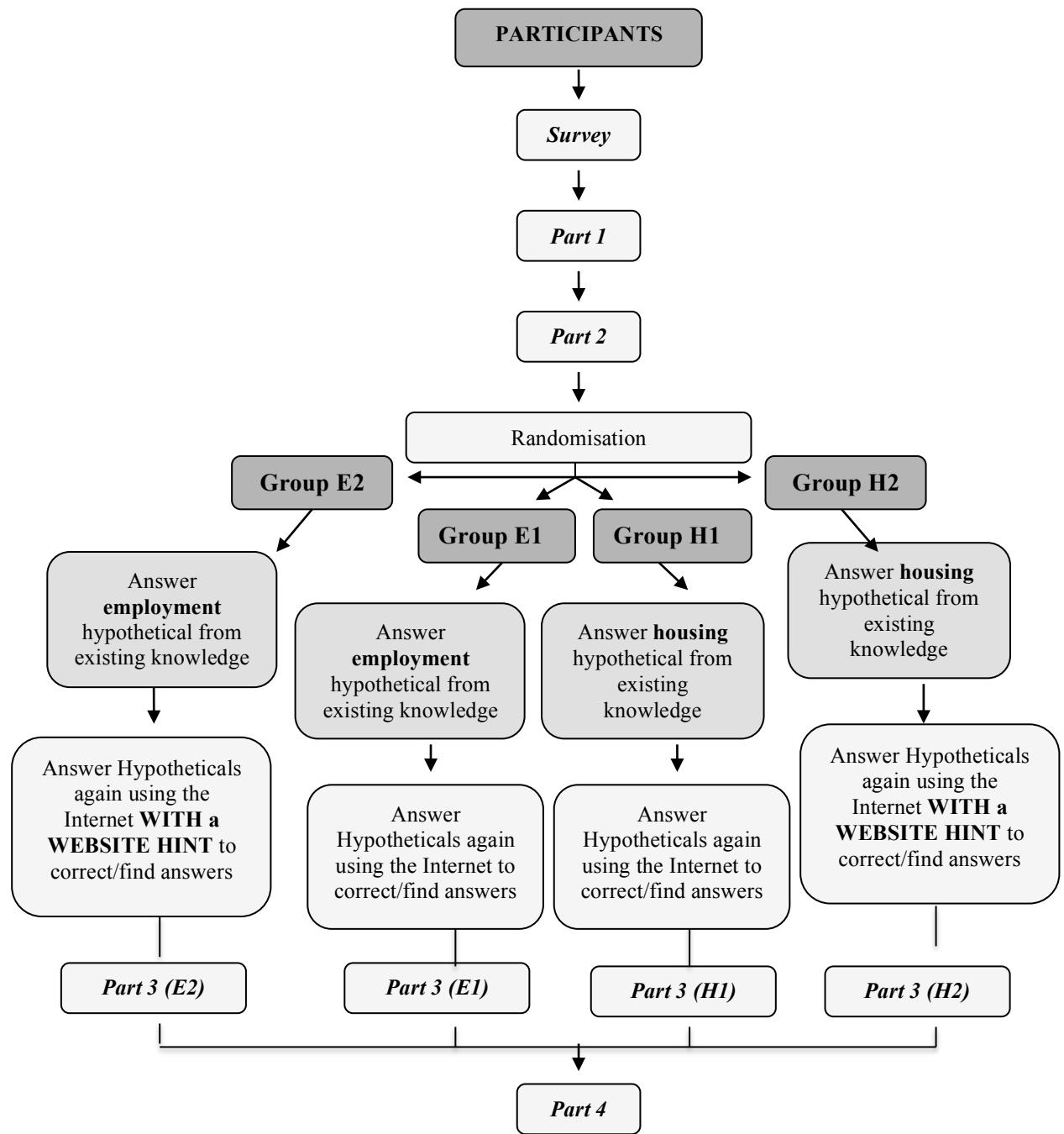
Information	Questions		Possible Answers
<p><i>ALISHA agrees to rent a house for [A. Six months/ B. One year/ C. Two years], from a landlord who lets out a number of properties and lives elsewhere. 6 weeks after moving in, ALISHA discovers that the bath has been leaking, causing the house to become damp. ALISHA asks the landlord to repair the leak. Without providing any notice, the landlord visits the house one afternoon and, after knocking on the door, lets himself in to inspect the leak.</i></p>	<p><b>H1:</b> Is the landlord entitled to enter the house in this way?</p>		<p>1. Yes 2. <b>No</b> 3. Don't Know</p>
	<p><b>H2:</b> Is the landlord legally obliged to repair the leak? If you are unsure, just say so.</p>		<p>1. <b>Yes</b> 2. No 3. Don't Know</p>
<p><i>The landlord refuses to repair the leak. So, three months after moving in ALISHA herself pays for the repair to be done and deducts the cost from the next rent payment. ALISHA does not tell the landlord that she is going to do this, but encloses a note with the rent payment explaining what she has done. After the next rent becomes due, the landlord calls ALISHA and says that she must leave the house in 28 days time. He says she is in breach of the tenancy agreement by not paying the rent in full.</i></p>	<p><b>H3:</b> Has ALISHA breached her tenancy agreement by not paying the rent in full?</p>		<p>1. Yes 2. No 3. Don't Know</p>
	<p><b>H4:</b> If ALISHA refuses to leave, will the landlord be able to evict ALISHA without first obtaining a Court Order saying that Alisha must leave?</p>		<p>1. Yes 2. <b>No</b> 3. Don't Know</p>
<p><i>After the 28 days have passed, two employees of the landlord arrive at the house and say they have been sent by the landlord to help ALISHA move out.</i></p>	<p><b>H5:</b> Do the two employees have the legal right to enter the property to remove ALISHA'S belongings?</p>		<p>1. Yes 2. <b>No</b> 3. Don't Know</p>
<p><i>Suppose that before the 28<sup>th</sup> day, the landlord had obtained a Court Order stating that ALISHA must leave the house by the 28<sup>th</sup> day.</i></p>	<p><b>H6:</b> Would the two employees now have the legal right to enter the property to remove ALISHA'S belongings after 28 days have passed?</p>		<p>1. Yes 2. <b>No</b> 3. Don't Know</p>
<p><i>ALISHA refuses to let the employees come in and bolts the door</i></p>	<p><b>H7:</b> What should ALISHA do in this situation? <b>H8:</b> If ALISHA wanted to get independent advice about the situation, where would be a good place to get it?</p>		<p>[open]</p>

**Table 16.** Hypothetical employment scenario and questions presented to respondents (correct answers in bold)

Information	Questions	Possible Answers
<p><i>ALISHA is 19 years old. She has been working 48 hours per week as an employee ZAP COMPUTERS for [A. Six months/ B. One year/C. Two years]. She earns £5.50 per hour. Her manager, PAUL, says he needs her to increase her hours to 50 hours per week. ALISHA does not want to work the extra hours. PAUL shows her a part of her contract which says she can be asked to work up to 50 hours per week.</i></p>	<p><b>E1:</b> Does ALISHA have to work 50 hours per week? If you are unsure, just say so.</p> <p><b>E2:</b> Is ALISHA'S salary, £5.50 per hour, above, below or the same as the National Minimum Wage?</p> <p><b>E3:</b> Does the National Minimum Wage vary according to how old you are?</p>	<p>1. Yes 2. <b>No</b> 3. Don't Know</p> <p>1. <b>Above</b> 2. Below 3. Same 4. Don't Know</p> <p>1. <b>Yes</b> 2. No 3. Don't Know</p>
<p><i>ALISHA has been asking to see details of the main terms of her contract of employment 'since she started at ZAP [six months/one year/two years] earlier.</i></p>	<p><b>E4:</b> Does ALISHA have a legal right to see the main terms of her contract of employment?</p>	<p>1. Yes 2. No 3. Don't Know</p>
<p><i>One month later – when ALISHA has been working at ZAP for [seven months/just over one year/just over two years] – PAUL tells her she is going to lose her job</i></p>	<p><b>E5:</b> Is ALISHA covered by the full range of unfair dismissal laws?</p>	<p>1. Yes (pre April 2013) 2. <b>No</b> (post April 2013) 3. Don't Know</p>
<p><i>Zap's personnel manager explains that ZAP is reducing the number of technicians it employs, and that ALISHA is going to be made redundant. The personnel manager tells her it is only fair that 'the older staff go first'.</i></p>	<p><b>E6:</b> Is ZAP allowed to consider ALISHA'S age in deciding who is to be made redundant?</p> <p><b>E7:</b> What should ALISHA do in this situation?</p> <p><b>E8:</b> If ALISHA wanted to get independent advice about the situation, where would be a good place to get it?</p>	<p>1. Yes 2. <b>No</b> 3. Don't Know</p> <p>[open]</p>

One exception between the use of the hypotheticals in the CSJPS and the use of the hypotheticals in the experiment should be noted. Whilst the CSJPS randomised the duration that Alisha had (a) signed a lease for and (b) been working for Zap Computers, this randomisation was not undertaken in this study, due to its irrelevance to the study's research questions and the relatively small number of participants in each sub-group. So, whereas CSJPS participants were told that Alisha had signed a rental contract for one of three varying time periods, in the experiment they were told that Alisha had signed a lease for one year. This was also true of the employment question, whereas the CSJPS varied the time Alisha had worked for Zap Computers, the present study told participants that she had worked for Zap for one year.

Individuals were randomised into one of four groups in which they either received the housing hypothetical with or without a website 'hint', or the employment hypothetical with or without a website 'hint'. The purpose of the hint was to test whether directing individuals to a reputable source of advice enabled respondents to answer the questions more accurately or acquire information more efficiently. All participants answered the questions in Parts 1, 2 and 4. The content of Part 3 varied depending on individual group assignment. Those in the housing group were presented with the questions detailed in Table 15 those in the employment group were presented with the questions detailed in Table 16. Participants were asked to answer these questions from their existing knowledge, as well as to indicate whether they had experienced a similar problem themselves. Individuals were then presented with the same series of questions and asked to use the Internet to search for the answers/confirm their answers were correct. Following this, all participants were asked to complete Part 4. Figure 14 demonstrates this process diagrammatically.



**Figure 14.** Survey/Experiment construction

### 4.3.2 Participants

This study focused specifically on the use of the Internet for 'legal problem' solving by young people. Whilst, there is no clear-cut definition of 'young people', youth is commonly defined as being between the ages of 16 and 24 by a number of key agencies and organisations including the UN and World Bank (Curtain as cited in

World Bank 2003, World Bank 2011). These agencies suggest that young adulthood represents the transition from dependence to independence and identify four characteristics thought to demarcate this transition:

- Leaving the parental home and establishing new living arrangements;
- Completing full-time education;
- Forming close, stable personal relationships outside of the family, often resulting in marriage and children; and
- Testing the labour market, finding work and possibly settling into a career, and achieving a more or less sustainable livelihood.

With 16 being the age at which young people can leave school in England and Wales (potentially initiating the transition to independence) it seemed reasonable to include individuals of this age within our research population, bringing our lower threshold in line with that of the World Bank and the UN. Whilst these activities could arguably span beyond the age of 24, adopting 24 as the cut off point correlates with the definition used by the Office for National Statistics (ONS 2011b), some third sector organisations such as the Joseph Rowntree Foundation (see e.g. Quilgars et al. 2008), as well as previous analysis undertaken on CSJS/CSJPS data, which has framed young adulthood as being between the age of 16-24 (see e.g. Balmer et al. 2007, Balmer et al. 2010, Pleasence et al. 2011).

Within this age group, two key groups were targeted: young adults in University education and young adults undertaking their GCSE's, AS or A Levels. Although the prospect of engaging a 'hard-to-reach' cohort such as young adults not in 'Education, Employment or Training' was initially contemplated, it was decided that 'at-risk' youths would be captured in the school environment, particularly if attempts were made to include not just AS/A Level students, but also students completing their GCSE studies – i.e. students who were still mandatorily attending school. However, the use of students meant that there were some practical reasons that required expansion of the age group from 16-24 to 15-26. Lowering the age to 15, ensured that those individuals who may have already left school at age 16 were included, and it also better accommodated school classes where there was some mix between those aged 15 and 16 in the same class. Similarly, raising the upper threshold to 26 promoted response rates among older respondents. It also enabled the

study to capture those undertaking first degrees and those undertaking graduate degrees and/or transitioning into employment.

There has been some dispute as to the reliability of using students in research where the findings are extrapolated to the rest of the population (Peterson 2001). In particular, the results of students have been found to be more homogenous than the results of non-students. Nevertheless, the use of students in this study was considered acceptable for two reasons. Firstly, of those aged 15-26, many young adults in England and Wales would still be in education, either compulsorily or voluntarily. Secondly, as Chapter 3 and Denvir et al (2011, 2013) found, education is associated with Internet use for ‘civil justice problems’. Rather than engaging individuals who are less likely to use the Internet and for whom Internet self-help may not be appropriate (e.g. NEETs), this study sought to focus on the technological and legal capabilities of those *most* likely to use the Internet for ‘civil justice problems’, namely those who have acquired or are in the process of acquiring qualifications at GCSE level and beyond.

### **4.3.3 Sampling Strategy**

#### *4.3.3.1 Sample Size*

Participants were young people living in England aged 15-26 derived from non-random convenience sampling.<sup>21</sup> It was recognised early on in the design process that a representative sample of young people would not be possible due to the financial constraints of this project. The sampling strategy selected, represented the most cost effective method of obtaining participants. 117 participants were students studying for undergraduate and postgraduate degrees at University, 85 participants were studying for their GCSE/AS/A Levels and 6 were undertaking other training/employment. An effective sample size was calculated to equal 118 participants in the employment and the housing hypothetical group, meaning 59 participants in each of the four (E1, E2, H1, H2) groups. This calculation was based on identifying the impact of supplying a website hint versus no website hint.

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<sup>21</sup> It should be noted from the outset that the innovative methodology employed by this study to monitor use of the Internet, came at the cost of a representative sample, both for school pupils and university students. As a result, discussions of statistical significance which appear later in the results section of this chapter are qualified by this fact.

Respondents received 6 questions before Internet use and 6 questions after Internet use. The key focus of interest was in the improvement in hint versus no hint. No hint – an improvement of 1 question, i.e. 0.17 (as a proportion) was assumed. Hint – an improvement of 2 questions was assumed, i.e. 0.33. This was the difference the sample size was powered to identify, as shown in Table 17.

**Table 17.** Estimated sample size for two-sample comparison of proportions

Test $H_0: p1 = p2$	<i>Where <math>p1</math> is the proportion in population 1 and <math>p2</math> is the proportion in population 2</i>	
Assumptions		
$power =$	0.80	
$alpha =$	0.05 (two-sided)	
$p1$	0.17	
$p2$	0.33	
$n2/n1$	1.00	
<b>Estimated required sample sizes</b>	$n1 = 117$	$n2 = 117$

Calculating sample size is designed to ensure that sufficient data is collected so that when analysis is conducted, the risk of failing to notice a difference as a result of an intervention (in this case, the hint website) is minimised. This risk is called a ‘false negative’ or ‘Type II error’. Setting power at 0.80 (80%) means that this study is accepting that 1 in five times (i.e. 20%) analysis will miss a real difference in results (i.e. a false negative may occur). The alpha figure is 0.05, which translates to the calculation accepting that there is 5 per cent chance that any significant difference in the findings is due to chance and not due to the intervention (the provision of a hint website). This is known as a ‘False Positive’ or a ‘Type I error’. Both levels (0.80 and 0.05) are widely accepted statistical margins of error.

#### 4.3.3.2 *Participant Recruitment*

University participants were recruited through UCL’s university-wide mailing list, UCL participants were also invited to circulate the invitation to friends studying at other universities in England and Wales. This resulted in a small number of participants (7) from other universities, undertaking the study. School and college participants were recruited both through UCL’s Law Faculty Summer School Program (and subsequent snowballing) and through approaching schools directly. In order to encourage schools to provide access to the student population, an outreach

program was devised whereby the study would form one element of a ‘Legal Life Skills’ seminar for school and college students living in London. Upon completion of the Internet task, the ‘Legal Life Skills’ seminar intended to convey a sense of understanding of how to deal with common issues with landlords and employers and rights associated with being a employee and renter, including where the students could obtain help from if they ever found themselves in circumstances similar to those of the protagonist in the hypothetical scenario. In this way, the fieldwork was posed as a mutually beneficial exercise for both the school students and the researcher and it received a modest amount of funding from UCL’s Public Outreach Office.<sup>22</sup>

Thirty academies (general and specialist) and independent, state (comprehensive, specialist selective, specialist comprehensive), and voluntary-aided (general, specialist) schools across London were invited to participate in the study/Legal Life Skills Programme as detailed in Table 18. Schools were selected on the basis of their capacity to provide broad socio-demographic representation, geographic convenience and/or because they had existing links with UCL via the university’s outreach programme. Citizenship teachers were initially contacted via email with some initial information about the study/seminar. Where contact details for citizenship teachers could not be obtained, head, deputy head and ICT teachers were contacted instead. Schools were invited to volunteer a class or a year level of students to participate.

**Table 18.** Further details relating to the schools contacted to participate in the study

#	Type <sup>23</sup>	Education Level	Gender	London Location
<b>Academy</b>				
1		Secondary	Co-Ed	Inner East
2		Secondary	Co-Ed	South-West
3		Secondary & Sixth Form	Co-Ed	South-West
4		Secondary & Sixth Form	Co-Ed	Inner South-West
<i>General</i>				
5		Secondary & Sixth Form	Co-Ed	Twickenham
6		Secondary & Sixth Form	Co-Ed	Twickenham
7		Secondary & Sixth Form	Girls	Inner South-West
8	<i>Specialist</i>	Secondary & Sixth Form	Girls	Inner East

<sup>22</sup> £900

<sup>23</sup> Selection Type was not entered for voluntary-aided and independent schools as all of these schools have their own selection tests and specific entry requirements.

9		Secondary & Sixth Form	Co-Ed	South-West
<b>Independent</b>				
10		Secondary & Sixth Form	Boys	South-West
11		Secondary & Sixth Form	Boys	South-West
12		Secondary & Sixth Form	Girls	South-West
13		Secondary & Sixth Form	Girls	South-West
<b>State</b>				
14	<i>Comprehensive</i>	Secondary	Co-Ed	Twickenham
15		Sixth Form	Co-Ed	Inner West
16		Secondary & Sixth Form	Co-Ed	West
17	<i>Specialist</i> <i>Selective</i>	Secondary & Sixth Form	Co-Ed	South West
18		Secondary & Sixth Form	Girls	Inner North West
19		Secondary & (Co-Ed) Sixth Form	Boys	Inner South East
20		Secondary	Co-Ed	Inner North West
21	<i>Specialist</i> <i>Comprehensive</i>	Secondary	Co-Ed	Twickenham
22		Secondary	Co-Ed	Twickenham
23		Secondary & Sixth Form	Boys	Inner East
24		Secondary & Sixth Form	Co-Ed	North
<b>Voluntary Aided</b>				
25		Secondary	Girls	Inner South East
26	<i>General</i>	Secondary	Co-Ed	Twickenham
27		Secondary & Sixth Form	Boys	South-West
28		Secondary & Sixth Form	Girls	South-West
29	<i>Specialist</i>	Secondary & (Co-Ed) Sixth Form	Girls	Inner North West
30		Secondary & Sixth Form	Co-Ed	South-West

Invitees who did not respond were re-contacted within a fortnight and contacted again within another fortnight. Five schools initially took up the offer to participate, as detailed in Table 19.

**Table 19.** Further details about the schools expressing an interest in participating in the study and access offered

#	Type	Education Level	Gender	Location in London	Access Offered
20	State - Specialist Comprehensive	Secondary	Co-Ed	Inner North West	Small Class
23	State - Specialist Comprehensive	Secondary & Sixth Form	Boys	Inner East	Year Level
15	State	Sixth Form	Co-Ed	Inner West	Two Classes
5	Academy	Secondary & Sixth Form	Co-Ed	Twickenham	Year Level
3	Academy	Secondary & Sixth Form	Co-Ed	South-West	Year Level

As is shown in Table 19, no independent schools expressed interest in participating in the study. However, even for those initially agreeing to host the researcher, two schools (#5 and # 23) subsequently became non-responsive. A number of further attempts were made to contact the schools before contact ceased. School #3 confirmed a date and time for the researcher to attend, however cancelled on the morning of the session. Attempts were made to reschedule the session however the school subsequently became non-responsive. School #20 offered access to a class of students indicating to the researcher that it would be comprised of around ten mainstream students. As it could only offer access relatively early in the fieldwork schedule this class was selected as the pilot class. More information about the pilot is detailed below in Section 4.4.8. The most successful story in terms of gaining access was in respect of school #15, a sixth-form college located in inner-west London benefitting from a very diverse student population. Here, access was granted to an initial class of 6 students who had expressed interest in participating in the research, with access then granted to a further 18 students undertaking citizenship studies.

The combined sampling techniques generated 208 participants, slightly short of the intended 236 participants made necessary by the power calculation, as detailed above.<sup>24</sup> Given a number of challenges recruiting participants including difficulties accessing schools and budget constraints which limited the number of incentive

<sup>24</sup> An additional 4 participants (3 school aged, 1 university level) were removed from the sample as a quality control mechanism. Browsing and survey data revealed that these participants spent less than 5 minutes completing the study and did not browse online at all. Given the length of questions and the number of questions, it would have not been possible for participants to have read each question properly and provided sincere responses.

payments that could be made, coupled with the wealth of qualitative and quantitative material already acquired; having obtained 208 participants a significance test was run to determine whether it was worthwhile attempting to obtain an additional 28 participants to bring the sample up to the size initially proposed. The purpose of the significance test was to determine whether there was any evidence that those receiving the hint were faring better on the rights questions than those not receiving the hint. These tests results were highly non-significant. Given that additional participants would not change these findings, it was decided that fieldwork would conclude with 208 participants.

### 4.3.3.3 *Demographic Characteristics of the Sample*

Table 20 illustrates the demographic characteristics of the final sample.

**Table 20.** Characteristics of the online survey/experiment sample

		N	%
<b>Hint</b>	No Hint	105	50.5
	Hint	103	49.5
<b>Problem Type</b>	Employment	105	50.5
	Housing	103	49.5
<b>Gender</b>	Male	85	40.9
	Female	123	59.1
<b>Ethnicity</b>	White British/White Other	108	51.9
	Asian/Asian British	51	24.5
	Black/African/Caribbean/Black British	25	12.0
	Mixed Race/Multiple Ethnicities	12	5.8
	Other	8	3.9
	Rather Not Say	4	1.9
<b>Age Group</b>	15-17	70	33.7
	18-22	108	51.9
	23-26	30	14.4
<b>Current Occupation</b>	University (Law)	38	18.3
	University (Other)	79	38.0
	School (GCSEs)	23	11.1
	School (AS/A Levels)	62	29.8
	Other Training or Full/Part Time Employment	6	2.9
<b>Tenure</b>	Rented accommodation	76	36.5
	Family home	124	59.6
	Temporary accommodation	3	1.4
	Rather not say	5	2.4
<b>Living with</b>	Parents (in family home)	83	39.9
	Mother (in family home)	32	15.4
	Father (in family home)	1	0.5
	Without Parents (in family home)	5	2.4
	Flatmate/s (in rented	59	28.4

	accommodation)		
	Partner/Spouse/Boyfriend (in rented accommodation)	13	6.3
	Siblings (in rented accommodation)	3	1.4
	Alone (in rented accommodation)	3	1.4
	Temporary accommodation	3	1.4
	Rather not say	6	2.9
<b>Mental Illness</b>	Undiagnosed but symptomatic	4	1.9
	Rather not say	1	0.5
	No	192	92.3
	Yes	11	5.3
<b>Learning Disability</b>	Undiagnosed but symptomatic	0	0.0
	Rather not say	1	0.5
	No	200	96.2
	Yes	7	3.4

As can be seen from Table 20, numbers were split fairly evenly between those respondents who received the employment problem and those who received the housing problem (50.5% v. 49.5%) with the same being true of the offer of a hint, with 50.5 per cent of respondents receiving no hint and 49.5 per cent receiving a hint. There were slightly more females engaged in the study than males, at 59.1 per cent compared to 40.9 per cent. The sample was made up of over a third of respondents from ethnic minorities. 24.5 per cent of individuals identified as 'Asian/Asian British', 12 per cent as 'Black/African/Caribbean/Black British' and 5.8 per cent as 'Mixed Race' (5.8%). The remaining ethnic minority participants who described their ethnicity as 'Other' (3.9%) were from a 'Middle Eastern/Arab' or 'Chinese' background. Most individuals were aged between 18-22 at 51.9 per cent with 33.7 per cent aged between 15-17 and 14.4 per cent aged between 23-26.

Just over half (56.3%) of the sample were attending university with 40.9 per cent attending school. 2.9 per cent were listed as being in full/part time employment or undertaking other forms of study. Of these, one individual was working full time, one part time, two were neither employed nor undertaking formal training, but being trained to take over their family business. One indicated they were undertaking

further study but did not reveal its nature and one individual was undertaking an apprenticeship.

Looking at where individuals lived for most of the year, most individuals were either living in the family home (58.2%) or living in rented accommodation (37.5%). 1.4 per cent (n=3) of individuals were living in temporary accommodation. These three individuals were all attending school. Two (siblings) were living in temporary accommodation without their parents, one was living in temporary accommodation with their mother.

Of those living at home who provided answers, the majority lived with both of their parents (68.6% of those living at home or 39.9% of the sample as a whole). Just under 30 per cent of those living in the family home were living in a single parent household. 26.4 per cent of those living at home (15.4% of the sample) lived with their mother as the single parent, 0.8% of those living at home (0.5% of the sample) lived with their father as the single parent. Single parent households were more common among those from 'Black/African /Caribbean/Black British' and 'Mixed Race' backgrounds than other ethnic groups.

Of those living out of home, 75.6 per cent lived with flatmates (28.4% of the overall sample), 16.7 per cent (6.3% of the overall sample) lived with a partner, 3.9 per cent lived with a sibling and another 3.9 per cent lived by themselves (constituting 1.4% each of the overall sample).

The majority of respondents had not been diagnosed with a mental illness or learning disability (92.3% and 96.2% respectively). A small number of individuals (3.4%) had been diagnosed with a learning disability and a small number of individuals had been diagnosed with a mental illness (5.3%) or were symptomatic but had not sought diagnosis (1.9%). These figures are lower than their incidence in the general population, which in 2007 was put at 25 per cent (McManus et al. 2009).

Individuals living in the family home were asked whether their parents were in receipt of state benefits. 59.3 per cent (n=67) reported that neither of their parents received state benefits. 21.2 per cent (n=24) were unsure, 15.9 per cent (n=18) reported that their mother was in receipt benefits, 0.9 per cent (n=1) reported that their father was in receipt of benefits, and 2.7 per cent (n=3) declined to answer. There were no reports of individual benefit receipt.

Of the 85 students attending school, 73.9 per cent (n=62) were undertaking their AS/A Levels, while 27.1 per cent (n=23) were undertaking their GCSEs. Table 21 provides further detail on the schools they were attending.

**Table 21.** Participant school-type

	N	%
Selective-entry State School	29	34.1
A-Level College	21	24.7
Non-selective entry State School	15	17.7
Independent Religious School	7	8.2
Public School	7	8.2
Academy	5	5.9
I'd rather not say	1	1.2

As is shown in Table 21, the majority of school respondents were attending selective-entry state schools (34.1%). A quarter of school respondents were attending an A Level College (24.7%) with fewer attending non-selective entry state schools (17.7%), independent religious schools (8.2%), public (private) schools (8.2%) and academies (5.9%).

Of those attending university, 94 per cent (n=110) were students at UCL and 6 per cent were students at other universities (n=7). Students came from a range of disciplines 32.5 per cent of respondents (n=38) were studying law, with 67.5 per cent studying subjects other than law. The most common subject among these was science (35%), followed by humanities subjects (18.8%). 7.7 per cent of university students were studying medicine, 4.3 per cent were studying planning/economics or business and only 1.2 per cent were studying computer science related degrees.

#### 4.3.4 Research Tools

##### 4.3.4.1 *Recording Web Search Behaviour Remotely*

Delivery of the survey/experiment varied depending on whether participants undertook the study remotely at a time of their choosing from wherever they had Internet access, or whether they undertook the study in their school computer lab.

A number of mechanisms were considered during the research tool development stage and a number of considerations shaped the eventual tool selected for use. These considerations included:

- The data collection mechanism needed to be cost effective;
- It needed to be deployable both with remote participants and with school participants to minimise any complexities with merging data captured using different data collection mechanisms;
- It needed to have a relatively quick set-up time in the school environment and be free from complex instructions for remote users;
- Development of the tool itself needed to avoid the need for detailed computer programming knowledge or the need to employ a computer programmer.

There were also a number of limitations to consider in both the school and university environment. Initial discussions with schools who expressed an interest in the project identified that state schools operated on a Local Authority-wide network with IT contracts awarded to a single supplier. With contracts awarded for time-dependent durations, this meant that schools were using IT software and hardware that had not been updated for many years. It also meant that schools had little independent control over their own IT systems. For example, schools could not run software programs off USB drives and firewalls could often not be disabled at the school level as the school itself did not control such access. Teachers were reluctant to discuss IT issues with the researcher directly and requested that all such enquires be directed to the school's IT staff which added another layer of complexity. As a result, many of these issues with the schools' own lack of IT control did not become apparent immediately and meant that the research tools had to later be adapted in order to enable them to work in the school environment.

The most challenging design element of the project was devising a mechanism by which to record survey answers and user Internet search history. This challenge was magnified when trying to apply it to a remote environment, because unlike a school environment where web history could be extracted by the researcher onsite, asking remote participants to extract their own browsing history would lead to a self-selecting bias of more technically-minded participants taking part in the study. Four different approaches were proposed at the outset, some of which were drawn from

the existing literature and some of which were potential new approaches, these included:

- An all in one data capture package
- Transaction Logs/Proxy Server Method
- Recording results and web searches with pen and paper in a Lab environment
- Using paid for ‘in the cloud’ virtual desktops

Extensive research revealed that only one all-in-one data capture package existed on the market, capable of capturing both web searching and survey responses (Media Lab). While the software itself was useable, the software could not be used to run experiments online. This meant that the software had to be installed on a number of research computers in a research lab and participants would be required to attend the lab. This also posed problems since it could not be installed on school computers without the licence then residing with the school. A number of routes around this were considered including installing the software on a bootable USB drive, meaning that the USB held the license for the software, however as schools disabled USB ports from launching applications on school hardware, this avenue was not feasible. In addition, the number of licences needed to run a class of 25 at one time would have been well in excess of £5000, making this option financially unviable.

The mechanism used most frequently in the extant literature was the transaction log/proxy server method. Transaction logs are records of digital activity stored by websites (i.e. on the client side as opposed to the user side) which record how individuals interact with a particular website (Jansen 2006). Their main drawback however, is that they record behaviour only in relation to one website and do not provide a reliable method of capturing how individuals search the web more broadly. Alternative mechanisms utilised for experimental purposes have been to establish servers to which participants can connect, meaning that participants’ web requests are routed through the research server, with pages sent and received, then cached by the server. However, this process remains quite laborious, requiring a high degree of technical skill and server infrastructure capable of processing and caching requests separately so that more than one user can undertake the task at any one

time. Due to the cost and expertise required, it was ruled out as a potential research tool for the purposes of this study.

The third option, pen and paper, has been one of the most utilised in previous studies of this nature- particularly studies undertaken in the late 1990s. Although cost effective, recording user search data whilst a participant is browsing cannot be done contemporaneously given the speed with which individuals browse. This is particularly true in the school environment where 25 participants may be undertaking the study at once. It could not be certain that an accurate record could be compiled and therefore this option was not considered appropriate for the purposes of this study.

One alternative option came by way of virtual desktops, although this was the first research of its kind to consider using virtual desktops for the purposes of remotely collecting research data. Virtual desktops offered a number of benefits in that they enabled a desktop to be assigned to a participant. By installing the Google Chrome web browser on the virtual desktop, participant web searches could be recorded freely, without the need for expensive recording software. Google Chrome provides an automatic web search log and (unlike other browsers) time stamps activity, thereby enabling the production of a complete chronological web-search. In addition, Google Chrome saved the search terms individuals used in search engines and unlike other web browsers enabled web browser history to be exported in a readable format through the copy and paste function.

It was decided that virtual desktops (aka ‘desktops in the cloud’) would offer the most cost effective user-friendly mechanism by which to run the experiment. To this end, a number of virtual desktop suppliers were considered and quotes were sourced. The best supplier was that of ‘Leostream’ ([www.leostream.com](http://www.leostream.com)) because it provided an administrator portal in which desktops could be added and removed and passwords changed. It also offered a desktops overview panel, as well as providing a separate participant login portal, which restricted administrative functions. Although Leostream Desktops were designed for commercial enterprises they had good flexibility in the sense that they did not require any minimum purchases or contract terms, they provided scalable infrastructure (desktops could be added and removed immediately), a bespoke participant login page could be developed and importantly, desktops were not only cheaper than those offered by other providers, but were also charged pro-rata, rather than via a fixed monthly account. Leostream also offered a

server in Ireland as opposed to other suppliers where servers were located in the US, which was more likely to generate lag in Internet speed.

#### **4.3.4.2** *Recording Web Search Behaviour in Schools*

As school firewalls prevented students accessing the link needed to use the virtual desktops, school #20 agreed to install Google Chrome directly on the computers the students would be using during the session. Students avoided the need to use the virtual desktops and used the online survey and Google Chrome only.

#### **4.3.4.3** *Survey Tool*

The survey was designed using Opinio survey design software and hosted online at a specific URL. Opinio was chosen as it was made freely available to UCL students and also because it fulfilled the data protection requirements imposed by UCL's Ethics Approval Committee. Opinio did not offer randomisation of questions types necessary for Part 3 of the study, so randomisation was undertaken manually. Four surveys were created, all were identical with the exception of whether they included an employment/housing hypothetical and hint or no hint. For those undertaking the study remotely, the survey link was placed on the desktop of the virtual desktops, for easy access by participants. For school students, a set of cards each of which contained a URL for one of the four surveys was used to randomly assigned students to an experimental condition. The cards were shuffled before distribution and students were required to navigate to the survey URL printed on their card, using the Google Chrome browser.

### **4.3.5** **Research Procedure**

#### **4.3.5.1** *Remote Participants*

Remote participants were sent information about the study via email. This email detailed their virtual desktop login credentials as well as a link to a research website where they could find out more about the study, view screenshots of the login process, view FAQ's and read about data protection protocols. Remote participants

were given 48 hours from 10pm the evening of the day the initial email was sent out, within which to complete the study. A reminder was sent after the first 24 hours. Those who failed to complete the task within the allocated time were contacted to confirm that they still wished to participate. As desktops were charged by the day, participants who remained unresponsive after a further 24 hours were removed from the study and their login was deactivated. Logins had to be manually deactivated by the researcher at the Leostream website, however the process of creating and destroying logins was non-technical and Leostream enabled the researcher to create desktop templates which automatically set up the desktop as required for the research (with the survey URL on the desktop). This enabled new logins to be created from the templates relatively quickly, without having to manually set-up the desktop with Google Chrome as the preferred browser each time.

Upon logging in to the Leostream webpage, participants were required to start up the desktop - a relatively straightforward procedure that required them to press a start button, wait for a few seconds and then press a launch button. The virtual desktop then launched within their web browser and looked just like an ordinary Windows desktop (see Annex B). Each desktop was configured to have one of the four Opinio survey links on the desktop so participants simply needed to double click the survey icon to start the survey. Depending on the group into which they had been randomised, this would launch one of the four survey types (Employment Hint/Employment No Hint/Housing Hint/Housing No Hint).

Participants were instructed to be careful to ensure that they undertook their searching within the virtual desktop browser and not within their own browser by mistake. Whilst the vast majority of participants followed these instructions, of 208, eight participants accidentally used their own browsers. They were asked to make a record of all the websites and search terms they used in consecutive order and send this to the researcher in a word document. One participant was using Google Chrome on his own computer already and could provide Internet history in the same format as it would ordinarily be captured. All participants were happy to provide their browsing history, but whilst it did mean that some information could be retained, time stamping of the data was lost for these other seven individuals. Given that all other data was captured, it was not felt necessary to remove these individuals from the study.

Once participants reached the end of the survey/experiment, they were instructed to log off and email the researcher to confirm that they had finished. The researcher then logged into the virtual desktop, extracted the participant's web history from Google Chrome and saved it as a text file. To provide a link between the survey data and the web browser history, in the completion instructions, participants were assigned a four digit number, described as an 'Opinio code'. Upon commencing the survey, participants were asked to enter their Opinio code. The text file was saved with the participant's Opinio code as the filename so as to ensure that there was connection between survey results and web browser data. Upon extraction of the web search data, the virtual desktop was reset for the next participant.

#### 4.3.5.2 *School Participants*

As indicated previously, it was not possible to use virtual desktops in schools and instead Google Chrome was installed directly on the school computers. Participants were directed to one of four URLs (selected at random) to complete the survey. As was the case for remote participants, students were assigned a four-digit Opinio code and asked for this at the start of the survey. At the end of the survey/experiment the researcher extracted the students search history from the Google Chrome browser, saved it with the student's Opinio code as the filename.

#### 4.3.5.3 *Incentives*

In order to improve response rates, students who participated in the study in their own time were provided with a £10 Amazon.co.uk voucher. This payment was also intended to diminish the effect of 'satisficing' that might otherwise have occurred if individuals were not compensated for their time (see e.g. Holbrook et al. 2003). In consultation with teachers and on the basis of the pilot it was decided that students who participated in the study during school time would not be offered an incentive payment, rather their time participating in the study would be required as part of their school work. However any student who obtained full marks in the task having used the Internet to search for the correct answer, was provided with a £10 High Street Shopping voucher as a reward, this therefore acted as an incentive to take the

task seriously. The payment amount chosen reflected the likely time spent completing the task and the limits of the research budget. In determining this amount, attention was also paid to the incentives offered in other studies (e.g. Buck et al. 2010) and the appropriateness of compensation as discussed in the methodological literature (see e.g. Rice and Broome 2004).

#### **4.3.6 Ethics**

The project was approved by UCL's Research Ethics Committee and the researcher was required to undergo an enhanced criminal records check in order to conduct research in participating schools. Teachers remained present in the classroom throughout the duration of the session. Whilst participants were contacted via email, during the survey students were not asked information capable of identifying them personally. Participant email addresses for those who completed the study remotely, were kept separate to survey and web browser data. Participants were informed that participation was voluntary, that they could withdraw at anytime from the study, and that they did not have to answer any personal questions asked of them.

#### **4.3.7 Piloting**

Given the relatively small timeframe within which to undertake fieldwork in light of the complexities of school schedules and timetabling, the pilot studies, which took place as a precursor to launching full fieldwork, were small in size. The first pilot tested the questionnaire and operation of capturing the web-search data in the school environment. This was piloted with a group of six students enrolled at a non-selective State school in London. The school selected was #20 as detailed in Table 19. Prior to attending the school, the researcher requested the Teacher confirm that the virtual desktop link could be accessed on the school computers. Despite several assurances to the contrary, the researcher found the link to be blocked by the school servers. So whilst the students could complete the survey, it was not possible to record their search history during this pilot. As a result, the survey data from this pilot was excluded from analysis.

The first pilot highlighted a number of important issues that contributed to the development of the methodology used. This included the fact that it was not possible to expect students to complete both the employment and the housing hypothetical in one 90 minute period even when a break was offered. The pilot highlighted some issues with questioning that enabled clearer wording to be used. The pilot further reinforced the importance of introducing a check to ensure that teachers had confirmed that the virtual desktops worked on the school networks. Finally, the pilot also highlighted the need for an incentive to be introduced in the school setting.

The second round of piloting took place with 32 UCL students as a precursor to the commencement of the remote fieldwork. All UCL participants were recruited via the UCL mailing list, 32 were selected at random and assigned to the virtual desktops (8 in each of the four experimental conditions) following the protocol detailed in 4.3.5. At the conclusion of the study, each student was emailed and asked whether they experienced any problems associated with the study, questions asked or the use of the virtual desktops. Two students out of these 32 accidentally used their own browser instead of the virtual desktop browser to search the Internet meaning that no record of their search history was recorded. The first participant was using Google Chrome as his personal web browser and was able to extract the data in the same way as the researcher (as explained in 4.3.5.1). The second participant provided a chronologically ordered list of the websites used, although it was not possible to provide time stamps to record how long was spent at each website. Through clarification of the wording and task instructions, repeated errors of a similar nature were minimised.

The remote pilot highlighted no issues with the wording or formatting of the questionnaire, however, some issues around the task itself and the research tools did emerge. The first of these was that on occasion participants forgot to email the researcher after having completed the task. This made it imperative that at the deadline the researcher checked prior to resetting the desktop that the participant had not actually completed the study and simply forgotten to email the researcher. Resetting the desktop without checking whether search data was stored on it would have led to the loss of search data. Secondly, at peak times (sunday nights appeared to be popular) some participants reported a slowing of Internet speed in the virtual browser environment. This occurred with five of the 32 participants. Two emailed during the task to indicate that they were having difficulty and they were encouraged

to delay completion until the following day and given extra time to complete. When asked in their follow up emails, three indicated that they had experienced delayed speeds after the fact. They described this as being slower than the speeds they were themselves used to, but not problematic enough to deter them from completing. The reasons behind the slowed server speed was not known as the technical specifications of the servers that Leostream use are not publicly available. It may be that their Irish server is a relatively small server in contrast to their North American offerings in which case the concurrent creation of 32 virtual desktops may have had an adverse affect on speed particularly if a number were running at any one time. In an attempt to combat this, it was decided that a small number of desktops would be created in future and participant start dates would be staggered with remote fieldwork occurring over a longer period of time. Data captured during the remote pilot was included in analysis.

#### **4.3.8 Limitations**

There are some recognised disadvantages of engaging students in remote non-moderated experimental studies and this, alongside the use of hypothetical questions, posed some limitations to which attention must be given.

As has been noted by Peterson (2001) caution must be applied when using students in research studies. As a group they tend to present more homogenously than non-student populations, with effect sizes for non-student versus student populations differing in direction and magnitude. Peterson (2001) consequently warns against generalising results obtained from a study of a student population to the wider population. This is also true given the sampling strategy utilised in this study. The use of students in this study offered the best compromise between cost, practicality and reliability. Nonetheless, it should be noted that these results are not intended to be generalisable to the wider population but rather to offer much needed insight into how young people – particularly those young people who are more likely to use the Internet for such purposes, as shown in Chapter 3 - might be searching online for information related to ‘civil justice problems’.

The study is also necessarily limited by the use of hypothetical scenarios to measure respondent reaction and knowledge. The use of hypothetical scenarios is

commonplace in research and at least one well-regarded study has relied on legal hypotheticals to illustrate public knowledge of rights (Pleasence and Balmer 2012). Nonetheless, a body of research has emerged to suggest restraint when relying on hypotheticals as indicative of the behaviour a respondent would adopt if they were themselves facing the same problem (see e.g. Balistreri 2001, Gould 1995). At the same time, Schoenberg and Ravdal (2000) have demonstrated that hypothetical scenarios or ‘vignettes’ can overcome some of the difficulty associated with collecting awareness and attitudinal data through alternative mechanisms. In the present study, hypotheticals represented the most realistic method of gaining insight into web search behaviour when individuals were faced with a civil justice problem. It is difficult to see how an alternative, such as tracking the web behaviour of those experiencing a civil justice problem might work, especially since any tracking would need to pre-empt the emergence of a problem for which use of the Internet may or may not follow.

The decision behind enabling participants to complete the study remotely and without moderation was not free from implications. Asking participants to attend at a lab has an impact on participant numbers. Since it was recognised that securing sufficient participants was already a cause for concern given the nature of the demography of interest and the limited response from schools, non-moderated remote completion of the study was considered a sensible alternative. The fact that it was non-moderated increased the risk of participants’ satisficing – attempting to quickly complete the study with the minimum effort required in order to receive an incentive payment (see e.g. Krosnick 1991, Holbrook et al. 2003). However, due to the nature of data captured, it was possible to determine whether the completion times were indicative of participants racing through the study. Where times suggested that individuals were completing the study without reading the questions properly, they could be removed from the study and this offered a level of quality control. As far as quality control is concerned, this study focused primarily on ‘quality control’ of survey results and not of Internet use. It was recognised from the outset that participants might not seek to clarify answers to each question and that they may only use the Internet to clarify answers that they were unsure of. This is likely to mimic behaviour in real life. For this reason, a short amount of time spent using the Internet (<1min) was not considered grounds for exclusion where Internet history demonstrated that the individual had actually searched for information or

gone to websites.<sup>25</sup> Instead, exclusion took place where the participant had failed to use the Internet at all, or had spent an unreasonably short period of time (<5mins) completing a reasonably long survey.

Finally, as a result of the survey length and partly as a function of remote completion, it was also necessary to curtail some of the avenues of enquiry that might ordinarily have been included in a larger investigation of this nature. As was shown in Chapter 3, household level effects may influence how individuals react to certain tasks or problems. There were some siblings in this survey who were living in the same household. A larger scale, non-remote study might have considered including a household grid to explore this dynamic.

## 4.4 Analytical Strategy

### 4.4.1 Data Extraction and Categorisation

Survey data and coded material, derived from participants' web browser history. Borrowing from the work of Schacter et al (1998), extracted variables included the number of sites visited, duration spent searching and common search terms and this was analysed using SPSS in order to produce descriptive statistics and statistical models. Web browser history, whilst not inherently qualitative material, can offer qualitative insight and analysis drew on observer impression and interpretation of the data (Jansen 2006). In addition, a number of quantitative variables were extracted from the web search histories in order to test a range of hypotheses in the typical hypothetico-deductive fashion.

Analysis extracted quantitative data on the extent to which individuals went beyond the first page of web results, whether Booleans or alternative search terms were used, the nature and type of websites used and patterns between search history of different groups of participants (with education level being one such variable earmarked for further sub-analysis). Analysis also extracted data on whether scores on the rights-based questions improved after having used the Internet; and whether

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<sup>25</sup> This is primarily because, looking at those who spent longer using the Internet, interaction with websites still appears relatively short – those who spent 15 minutes online might have visited 20 webpages, vis-a-vie someone who spent a minute online who visited just one. The quality of an individual's interaction with a single webpage would arguably be better in the case of the latter individual, even though their overall interaction was shorter.

responses in relation to the question 'What should the protagonist do' and 'Where could the protagonist obtain assistance' changed after using the Internet.

Qualitative observer impressions were also made about the following behaviours:

- Whether individuals used appropriate search terms (including any evidence of Boolean operator use);
- Whether individuals varied search terms to yield different responses upon initial search failure;
- Whether there was evidence of looping (re-executing the same searches);
- Whether individuals looked beyond the first page of search results; and,
- Whether individuals sought to clarify their answers by canvassing a number of websites or whether they accepted the first material presented to them.

Additionally, users were categorised according to two existing typologies. The first was the typology developed by Ofcom in their Media Literacy study (Ofcom 2011). On the basis of their response to the Internet use questions (Section 1 of the survey) participants were designated as either a 'Narrow', 'Medium' or 'Broad' Internet user. Narrow Internet users were defined as those who undertook only 1-3 of a possible 10 activities online, using the Internet for less than seven hours per week (less than one hour per day). These users had access to the Internet in one or two locations, as well as having low levels of confidence using the Internet and lesser belief in the reliability of information found online. Medium users had access to the Internet in three locations, they undertook between 4 and 7 activities online, they had moderate faith in the reliability of information obtained online and in their ability to use the Internet and tended to spend 14 – 28 hours a week online. Broad users undertook a wider range of activities online (up to 10), spending the most amount of time online per week as well as having the greatest amount of access to the Internet and the greatest confidence in their ability to use the Internet and in the reliability of the information they obtained online.

Secondly, the typologies developed by Nicholas et al (2007) in their analysis of transaction logs were applied. In their research, Nicholas et al (2007) offered four Internet user types based on the amount of pages individuals used. These types included:

- The bouncer/checker (1-3 items/pages visited);

- The moderately engaged user (4-10 items/pages visited);
- The engaged user (11-20 items/pages visited);
- The seriously engaged user (21+ items/pages visited).

Drawing on the work of Rose and Levinson (2004) participants' search terms were categorised according to whether the term was 'simple', 'specific', 'question-based' (aka 'undirected'/ 'directed open-ended'/ 'directed close-ended').<sup>26</sup> 'Simple' search terms were two to three words and demonstrated a lack of familiarity with the subject-area, or terms likely to yield very broad results. 'Specific' search terms denoted a familiarity either with the subject area or with the way in which search engines handled search terms. Typically four terms long, 'specific' search terms were distinguished by their sophistication. 'Question' based search terms were presented in question format, typically these were closed ended questions aimed at answering a specific element of the hypothetical problem the protagonist faced. Where a search term was a condensed or shortened question – questions with nouns and pronouns removed, it was still classified as a question. While Rose and Levinson (2004) referred to these search term types as 'undirected', 'directed open-ended' and 'directed close-ended' respectively, for the purposes of this Chapter and Chapter 5, these search terms were renamed 'simple', 'specific' and 'question', so that their meaning could be more easily inferred by readers.

The websites participants visited were also categorised according to whether they were:

- Government
- Third Sector
- Commercial
- Union
- Newspaper/News Site
- Discussion Board
- Blog

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<sup>26</sup> As in the website evaluation, participants search terms were classified as 'simple', 'specific' or 'question' based. 'Simple' search terms of the variety used in the website evaluation were not commonly used by participants, however, a greater number of the participants search terms were coded as 'simple' not because they necessarily followed a simple format, but because they were neither good enough to be classed as 'specific' nor long enough to be classed as 'question' based. Consequently, simple was also used to denote lacking in sophistication and quality.

- Other

Government websites included the websites of departmental and non-departmental public bodies as well as local government and local authority websites. Third sector websites were charitable in nature, this included the Wikipedia website.

Websites could have been classified in a number of ways. In the context of this study, consideration was given to the reliability of websites, with an effort made to distinguish between websites typically regulated by a code of conduct, for example Government websites follow the British Standard (BS)8878 Web Accessibility Code of Practice as well as being governed by an overall publishing standard. Third sector websites in general and a number in particular (such as the Citizens Advice website, the adviceguide.org.uk website, the advicenow.org.uk website and the Shelter.org.uk) adhere to the Web Content Accessibility Guidelines (WCAG). In some cases the classification process was straightforward – discussion boards were relatively easy to classify, as were newspaper/news sites, union websites and blogs since they all adopted a similar format. The biggest challenge was the classification of ‘commercial’ websites. Commercial websites fell into a number of categories. In the legal advice setting, commercial websites fell into two categories – those run by legal firms or organisations offering legal services and those not in the legal market. For commercial enterprises in the legal market, websites generally provided a small amount of legal information on a given topic as a ‘teaser’ to entice the public to either:

- Purchase an unbundled legal service (such as a legal service kit or component);
- Enter into an agreement to purchase legal services (either one off or ongoing legal service contracts such as yearly contracts for telephone legal advice);
- Subscribe to an online information portal.

Sometimes commercial websites offered ‘blogs’ which operated in a similar format, offering a small amount of information and tying this to a commercial product. Whilst branded as a ‘blog’ these were coded as ‘commercial’ as this was the purpose of their creation. Only blogs established without the intent of making money (including money from advertising) were coded as simply ‘blogs’.

Other websites were coded as commercial not because they attempted to sell a product directly to the viewer, but because they supplied content in return for advertising revenue. This was the case with ‘content mill’ sites such as ‘e-How’, which are specifically designed to satisfy algorithms to promote maximum retrieval in search results pages.

In the commercial field, it would have been possible to distinguish between legal services websites and other commercial websites which offered legal products but were not under legal regulation or which were content mills. This may have been a useful exercise since where legal professionals are providing legal information/advice online this provision would technically come under the auspices of ‘legal services’ and would be regulated as such. However, it was decided that ‘commercial’ websites (of all varieties) would be grouped together for a number of reasons. Firstly, the small number of legal practices appearing in search results (particularly since this investigation was limited to housing/employment law) would have made it difficult to statistically assess the impact of these websites. Secondly, although these service providers are technically subject to regulation, there has been no formal effort made as yet to regulate or oversee the provision of legal information on the Internet irrespective of whom it is provided by.<sup>27</sup> Thirdly, commercial websites were grouped together because they were unified by a underlying profit making purpose. It is possible that future studies could consider further subdivisions within the ‘commercial’ strand as part of a broader exploration of online legal information.

Websites such as ‘UK Answers’ were coded as ‘discussion boards’. ‘Other’ sites comprised those websites that did not fit into the aforementioned format.

The classification process adopted in the current chapter was the same as that adopted in Chapter 5 so as to enable comparability between results.

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<sup>27</sup> Correspondence with the Solicitors Regulation Agency has highlighted that they would not be in a position to check every websites but the legal websites would be covered by a mix of principles and outcomes. The SRA would rely upon consumer complaints, ombudsman findings and research to identify where problems occurred in the provision on online legal information.

#### 4.4.2 Analytical Approach

Analysis first looks at the Internet use of participants, describing the cohort in relation to the Ofcom typologies detailed above so as to provide some contextual information. Descriptive statistics are used to explore Internet use, noting differences between respondents on the basis of age/activity type.

Looking then at the way in which respondents searched online using descriptive statistics, analysis focuses on a number of issues of interest including the time individuals spent using the Internet, the search terms used (and the type of search term used – categorised as above in Section 4.4.1), search engines used and participants' search terminology.

Looking next at website behaviour, descriptive statistics explores the number of websites used by participants, as well as the main websites used and common types of websites used (e.g. commercial/government/third sector). Analysis also looks at the use of the hint website and the errors made when using websites. To this end, a binary logistic regression model is applied using SPSS to predict use of an overseas website based on respondent's activity (e.g. school/university law/university other), before further descriptive analysis reports on the most helpful websites specified by respondents.

Analysis then explores the extent to which respondents correctly answered the 6 rights based questions, looking at the change in knowledge before and after using the Internet. Another binary logistic regression model is fitted using SPSS, to predict score improvement on the basis of respondent characteristics. Score improvement is then explored on the basis of search characteristics, with a binary logistic regression model applied to predict score improvement based on problem type, hint, time spent using the Internet to search for answers, searching strategy, the search engine used, whether UK was added to search terms and the number of 'simple', 'specific' and 'question' based searches the respondent undertook. Two further binary logistic regression models are applied to predict whether or not employment score improved based on the (common) websites respondents went to, use of the hint and use of webpages with content that was either irrelevant or intended for another jurisdiction. A second model is applied in order to predict whether or not housing score improved on the basis of the same characteristics. Finally, descriptive statistics explores the

extent to which respondents attributed the Internet as useful in answering the rights-based questions in light of whether Internet use did actually improve their score.

This analysis is followed by an exploration of how respondents thought the protagonist in the hypothetical scenario should handle her problem and where might be a good place to obtain independent advice. Descriptive statistics explore how respondents answered these questions before and after using the Internet.

Finally, descriptive analysis turns to explore how respondents themselves would handle a similar problem, the extent to which the Internet would feature in their problem resolution process and the level of confidence they exhibit in resolving the problem without assistance from others.

## 4.5 Results<sup>28</sup>

### 4.5.1 Internet Access and Use

As shown in Table 22, most respondents had access to the Internet at home, more frequently on a personal computer (86.1%) than a shared computer (41.8%). Most individuals also had access to the Internet at their school, college or university (88%). With low numbers of individuals engaged in part time employment only 17.8 per cent reported access to the Internet at a place of work. Access via ‘Third Generation’ technology such as iPad/Tablets/iPod, or Nintendo Devices was less common than access via Mobile phones (23.6% v.73.6%). Only one individual (0.5%) reported not having regular access to the Internet via any of the routes listed.

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<sup>28</sup> Readers are reminded that the innovative nature of the study limited the representativeness of the sample acquired. The following results are not intended to be generalised to the population of young people at large, but used to describe the population of young people included within the sample. We do know however from previous studies (e.g. Peterson 2001) that as a population of interest, young people present more ‘homogenously’ than other research groups of interest. Indeed, this has been a critique of previous studies that have attempted to use student groups as indicative of the population at large. It could therefore be said that while caution must be observed in extrapolating these results beyond 15-26 year old non-students, these result may be indicative of the wider 15-26 year old student population.

**Table 22.** Participants' access to the Internet

	Yes		No	
	N	%	N	%
At home on Personal Computer	179	86.1	29	13.9
At home on Shared Computer	87	41.8	121	58.2
School, College or University	183	88.0	25	12.0
Work	37	17.8	171	82.2
Internet Café	62	29.8	146	70.2
Public Library	81	38.9	127	61.1
iPad/Tablet/Nintendo Device	49	23.6	159	76.4
Mobile Phone	153	73.6	55	26.4
Friend or Family Member's House	75	36.1	133	63.9
I don't have access to the Internet	1	0.5	207	99.5

Individuals most often used the Internet for social networking (81.7%), finding information for work or study (81.3%), emailing (78.4%), streaming media content (74.0%) and reading news/current affairs (68.3%). Only 12.0 per cent of respondents maintained a website or blog, and relatively few used the Internet for playing games (25%) or finding health information (24.0%).

As shown in Table 23, most respondents claimed to be 'Very Good/Excellent' at using the Internet (47.8%) or 'Good' (41.1%) at using it. Respondents also tended to have faith in the reliability of material obtained online, with nearly two thirds of respondents believing that 'most' or 'about half' of the information found online was reliable (39.4% and 36.1% respectively). Only 2.9 per cent of respondents believed that 'All' information was reliable, with 15.9 per cent claiming that only a small portion was. Individuals most commonly reported spending 2-3 hours on the Internet per day (30.3%) with similar numbers reporting times either side of this. So 22.1 per cent reported spending 1-2 hours, while 21.2 per cent reported spending 4-5 hours online. Almost a fifth of respondents (17.8%) indicated that they spent longer than 5 hours online.

**Table 23.** Self-rated Internet ability, reliability and time spent online

		N	%
<b>How would you rate your ability to use the Internet?</b>	Very good/excellent	99	47.8
	Good	85	41.1
	Ok	21	10.1
	Not very good	1	0.5
	Not Good at all	1	0.5
<b>How much information found on the Internet is reliable?</b>	All of it	6	2.9
	Most of it	82	39.4
	About half of it	75	36.1
	A small portion of it	33	15.9
	None of it	0	0.0
	Don't know	12	5.8
<b>Time Spent Online Each Day</b>	Less than 1 hour	13	6.3
	1-2 hours	46	22.1
	2-3 Hours	63	30.3
	4-5 hours	44	21.2
	More than 5 hours	37	17.8
	I'd rather not say	5	2.4

Drawing on the same typologies applied by Ofcom in its' media literacy analysis, only one participant was categorised as a 'narrow' user, representing 0.5 per cent of the overall sample. 120 respondents were categorised as 'medium' users at 57.7 per cent representing the largest group while the remaining 41.8 per cent were classified as 'broad' users.

#### 4.5.2 Use of the Internet for Information-Seeking

##### 4.5.2.1 *Time Spent Online*

Individuals spent a minimum of less than a minute using the Internet to assist them in answering the rights-based questions, with the maximum time spent being 43 minutes. The mean time spent was 11:46 minutes, which was coupled with a large standard deviation of 7:56 minutes. Time taken to reach a relevant website was less than a minute, the maximum time taken was 31 minutes (although it should be noted that 24 individuals never reached a relevant website). Mean time taken was 1:46 minutes (SD=3:59). Mean time between the Employment and Housing groups varied

only slightly. Those in the employment group spent a mean of 11:42 minutes online (SD=8:51) with the housing group spending a mean of 11:49 minutes online (SD=6:57). The same was true of differences in type spent online between those who were given a hint and those who were not given a hint. Those in the hint group spent 12:16 minutes online (SD=6:03) while those in the no hint group spent 11:18 minutes online (SD=8.31). For those in the employment group, those with a hint spent 11:50 minutes online (SD=8:25) and those without a hint spent seconds less at 11:35 minutes (SD=9:19). Those in the housing group with a hint spent 12:40 (SD=6:03) minutes online while those without a hint spent 11:00 minutes online (SD=7:41).

#### *4.5.2.2 Types of Searches Performed*

783 searches were performed in total by 177 individuals. 19 individuals performed no searching online, instead going directly to a website of interest, only one of these individuals (a university law student) was not given a hint website. The minimum number of searches performed was zero, the maximum was 14, with a mean of 4 (SD=2.9).

**Table 24.** Mean number of searches performed during the experiment by participant characteristics<sup>29</sup>

		Number of Searches			Simple		Specific		Question	
		N	Mean	SD	Mean	SD	Mean	SD	Mean	SD
<b>Hint</b>	No Hint	101	4.7	3.0	1.6	1.5	1.1	1.6	2.1	2.8
	Hint	95	3.2	2.6	1.3	1.5	0.8	1.4	1.2	2.0
<b>Problem</b>	Employment	98	4.0	2.9	1.6	1.4	1.3	1.7	1.1	1.8
	Housing	98	4.0	3.0	1.3	1.7	0.6	1.3	2.1	2.9
<b>Activity</b>	Uni (Law)	37	4.5	3.1	1.6	1.5	2.0	2.3	1.0	2.1
	Uni (Other)	76	3.6	2.8	1.3	1.4	1.0	1.3	1.4	2.2
	Training/Other	5	5.4	2.6	3.2	0.8	1.4	1.5	0.8	1.1
	School	78	4.0	3.0	1.4	1.6	0.4	0.9	2.2	2.8

<sup>29</sup> Calculations have been rounded.

Table 24 looks at whether the number of searches or the type of searches varied according to hint/no hint, problem type and the activity the participant was undertaking. As can be seen there was a difference of just under 2 in the mean number of searches undertaken by those in the Hint group compared to those in the non-Hint group (3.2 v. 4.7). Mean number of searches did not differ between those in the employment and housing groups (4 v. 4), however those in the housing group more often performed question based searches than those in the employment group (2.1 v. 1). Whilst there were differences in the number of total searches undertaken by participants depending on their activity type, these were small, with a mean of 4.5 search for law students, 3.6 for other university students, 5.4 for training/other students and 4.0 for school students. Those in the no-hint groups undertook a greater number of question-based searches than any other type of searches (Mean=2.1, SD=2.8) while those in the hint group undertook more simple searches (Mean=1.3, SD=1.5). Those studying law at University were more likely to undertake 'specific' searches (Mean=2, SD=2.3) than any other type of search. They also undertook the highest mean number of 'specific' searches overall. Students at school undertook the highest number of question-based searches by far (Mean=2.2, SD=2.8). Findings indicate that with six questions to answer, individuals commonly did not search for information for each question specifically.

In total, 783 ('simple', 'specific', 'question' based) searches were performed. For 177 of these searches 88 individuals (44.9% of the sample) applied the term 'UK' at the end of their search phrase to limit results to the correct jurisdiction. Unsurprisingly, adding UK was more common among those who were using Yahoo.com and Google.com than those already using jurisdiction specific websites such as [www.google.co.uk](http://www.google.co.uk).

Refining of search terms was undertaken by 54 per cent of respondents (n=95) one or more times, however no respondent went beyond the first page of the search engine results. 97.1 per cent of respondents avoided following any advertised link, however 2.8 per cent of respondents (n=5) did follow advertised links. Where advertised links were followed, individuals tended to follow links on the right-hand side of search results listings, rather than the advertised links that appeared at the top of search results.

85.6 per cent of respondents (n=166) did not use search boxes available within the websites they visited. Of the 14.4 per cent (n=28) who did use search engines within websites, 2.6 per cent (n=5) used these more than once.

#### 4.5.2.3 *Search Term/Phrase Analysis*

Looking at the search terms themselves, many search terms were common amongst the cohort. Individuals typically searched for information in a consecutive manner, searching on terms related to each question in turn. Not all individuals searched for information relating to each of the six questions they were asked to answer, although many did. Some participants may have come across information relevant to a number of questions during an initial search, negating the need for further searching.

For those assigned the employment problem it was common for individuals to commence their searching on the minimum wage question, skipping over the first question relating to whether the protagonist was required to work 50 hours per week. This was especially common for law students. For those who did search for information pertaining to minimum/maximum working hours, search terms were commonly formatted in a (directed close-ended) question style, e.g. ‘do you legally have to work contract hours’, ‘do you have to meet working hours in job contract’ were both examples provided by university students not studying law. Those in school tended towards less well constructed or refined questions and spelling/grammatical errors were often apparent, for example: ‘if my contract says I can work up to 50 hours a week do I have a choice’, ‘if your [sic] 19 do you have to work 50 hours’, ‘can a contract state the amount of hours you may work a week’. Given the length and the specificity of questions such as these, search results would have been greatly reduced.<sup>30</sup> Simpler (undirected) search formulations included ‘average working week’, which would have lacked sufficient specificity to yield search results relevant to legal rights and did in fact lead the respondent to refine their search terms. In respect of searches relating to the question about the minimum wage, searches here were far more ‘specific’ and included terms such as ‘minimum wage’, ‘national minimum wage’ (with or without UK added). Where individuals did

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<sup>30</sup> Noting that timing of the experiment took place prior to Google’s transition to Hummingbird for those who were using Google.

not use a ‘simple’ or ‘specific’ search term to begin with, they often conducted multiple searches, before turning to a question-based format.

Some respondents took shortcuts to seeking answers, including one respondent who searched for the name of the employer in the hypothetical (‘Zap’) presumably in an attempt to find a website with the answers listed. More unusual searches included someone searching for ‘local council advice’, another searching for the very broad ‘employee laws’ and another searching for ‘work and contract uk’. Other individuals were far more specific, including one who searched ‘Employment Rights Act 1996’ and two others who searched for the ‘EU Working Time Directive’, interestingly none of these participants were studying law, the first was studying at school and the second two were studying at university (medicine and languages respectively). There were no obvious differences in the framing of search terms based on age or whether an individual was studying law. There was however evidence of ineffective search techniques. For example, one young respondent made six attempts to search for the amount of hours a 19 year old could work in the UK, using the Google search engine. Each time the participant used the same words, altering only the order in which they were entered into the search engine search box. It is likely that the participant was not aware that the order of the words makes no difference to search returns.

Despite respondents being informed prior to the study that the experiment was designed to test their knowledge of legal rights, there were relatively few attempts made by respondents to include ‘legal rights’ in search phrases. Typically, this only occurred when the question the respondent was answering used the word ‘right’ in the question phrasing. So, for example, those receiving the employment hypothetical were asked whether the protagonist had a ‘right to see her employment contract’. There were subsequently a greater number of respondents including ‘right to see’ in the formulation of their search terms in relation to this question. Eight participants recognised Alisha’s treatment at work as being indicative of age discrimination, nearly all of these (5) were students studying law, the remainder were school students.

As with the employment problem, those searching for housing information did not always search for information in relation to every question they were asked. In this instance, law students tended towards ‘specific’ searches, whilst university students studying something other than law and school students more commonly

opted for ‘question’ or ‘simple’ based searches. Examples of ‘simple’ searches likely to have yielded broad results included one university student searching for ‘landlord tenant law’, another searching for ‘housing advice’ and another searching for ‘withholding rent’.

Some interesting methods of framing the search enquiry arose, including one university student who searched on the terms ‘are landlords entitled to a key’, a separate issue to whether they were actually entitled to enter the property which is what the question asked. Other less refined search terms also arose, including one individual who searched for ‘can a landlord knock on door and enter’ and another who searched for ‘can a landlord open a house’. Only one individual recognised the protagonist’s eviction as illegal, searching on the terms ‘independent advice on illegal eviction’ as this search was the seventh performed by the individual, it may well have represented knowledge acquired during the course of their earlier searches.

With the exception of those students studying law, individuals undertaking the housing problem, also tended not to use the words ‘legal’ in their search terms although the use of ‘rights’ was relatively common amongst all participants. However, in some cases it was not always directed in the same manner, so whilst university students tended to search for ‘tenants rights’, school students more often searched for ‘landlord rights’ or ‘landlord entitlements’. Law students also engaged their existing legal knowledge to formulate more legal orientated searches such as ‘Right to quiet enjoyment england’, ‘landlord trespass rented’. Law students also tended to search for legislation governing the dispute more than other respondents, including searches such as ‘residential tenancies act’, ‘rent act 1977’, ‘landlord tenant act 1985’, although there was one instance of a school student searching for ‘landlord tenant act’. So while some law students tended towards legal documents (which they would have to wade through in considerable depth) the other respondents tended towards information presented in a more simplistic fashion.

As with the employment questions, respondents used a variety of heuristics to speed up their searching, for some respondents this included cutting and pasting the housing questions they were asked directly into the search engine text box. Another searched for title of the research project ‘Legal Life Skills’, possibly hoping that this would lead them to a website with the answers.

Only one individual searched for a service provider that was not Shelter or Citizens’ Advice, using their existing knowledge of the University of London’s

Housing Service to see whether the website provided any material on housing rights. This individual also appeared to have knowledge of direct.gov.uk, searching for that specifically, as well as also searching for Shelter specific material, despite having not been given a hint, thereby demonstrating existing familiarity with the organisation and its' work.

An interesting pattern of behaviour emerged among approximately four of the sixth form students who failed to enter into any sites at all and simply entered in a number of search terms in a consecutive fashion, altering their search terms on what appeared to be initial failure. It was not certain whether this was an attempt to make it look as though they were engaging in the study, or whether they were simply attempting to acquire answers to the questions from the blurb that appeared in the search results themselves. There are instances in their lives where we could expect that such heuristics might be effective for them. For example, students would not need to enter into a website containing information on the 'Battle of Waterloo' in order to find out the date of the 'Battle of Waterloo'. Many search engine results would detail the date in the brief summary that appears below search engine web page links. Indeed, Google itself now often provides the answers to these questions itself on the side of search engine screens via the 'Knowledge Graph'. However, it was not expected in the course of this experiment for either the housing or the employment questions that students would be able to find the answers simple by looking at the search engine results without reading the full content of web pages themselves.

Overall, for both the housing and employment questions searching was a case of trial and error with seemingly little thought given to the development of search terms that might yield the best results. It is true that search engines such as Google are far more forgiving of ineffective search terms than they were ten years ago when Boolean operators were requirements for effective searching. Google's ability to overlook spelling/typographical errors and the overuse of connectors (such as 'and', 'if', 'or') has made it easier for users. However, the nature of many of the search terms used would suggest that young people were not familiar with how search engines operated. Where initial search terms failed they were more likely to change the order of words or remove connectors, rather than use synonyms. These findings reinforce the fact that individuals were heavily reliant on search engines to 'take the brain work' out of solving the problem for them. Whilst there were examples where

individuals did change their search terms on initial failure, the changes made were not always sufficient enough to lead to better or more relevant search results.

Having explored how respondents searched online, analysis now looks to explore the websites that respondents arrived at, acknowledging that this may be influenced in part by a respondent's search technique.

### **4.5.3 Website Behaviour**

#### *4.5.3.1 Number of Websites Visited*

Respondents visited on average 9 webpages (SD=5.9) with a minimum number of zero webpages and a maximum number of 37. University (law) students visited the most number of webpages with a mean of 12.9 (SD=7.1) compared to university (other) students visiting an average of 10.1 (SD=5.3), school students visiting an average of 6.8 (SD=4.6) and those in training/employment visiting an average of 12.2 webpages (SD=7.3). Those given a hint website tended to view more webpages than those not given a hint 11.1 (SD=4.9) compared to 8.42 (SD=6.1). There was a difference of 1 webpage between those in the employment group and those in the housing group, with the employment group visiting an average of 9.8 webpages (SD=5.5) and the housing group visiting an average of 8.8 (SD=6.2). Remote users also tended to visit a greater number of pages than users completing the task in school 9.71 (SD=6.0) versus 6.46 (SD=4.3).

Applying the number of webpages visited to the typologies developed by Nicholas et al (2007) both school students and university students studying something other than law could be on average, classed as 'moderately engaged users' on the basis of their Internet histories, law students and those in training/employment could be classed as 'engaged users'.<sup>31</sup>

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<sup>31</sup> The bouncer/checker (1-3 items/pages visited); the moderately engaged user (4-10 items/pages visited); the engaged user (11-20 items/pages visited); the seriously engaged user (21+ items/pages visited) (Nicholas et al. 2007).

#### 4.5.3.2 *Types of Websites Visited*

Looking at the type of websites that were popular among participants, as shown in Table 25 below, we can see that individuals most frequently went to commercial websites, with 51.5 per cent of respondents visiting one or more commercial website during their Internet search. Approximately a third of respondents (29.5%) visited the direct.gov.uk website and a quarter visited the gov.uk website (22.5%). As direct.gov.uk underwent transition to gov.uk during the middle of fieldwork, taken collectively 52 per cent of respondents went to the government's main website. Adviceguide.org.uk proved slightly more popular than Shelter with 39 per cent of respondents using it compared to Shelter's 27.5 per cent. Equal numbers (30%) visited one or more 'other government website' and 'other third sector website'. Discussion Boards such as 'Yahoo Answers' attracted visits from 16.5 per cent of participants, while other offerings such as blogs, online news sites and forums were less popular.

**Table 25.** Type of websites and main websites commonly used by participants

	No		Yes	
	N	%	N	%
Direct.gov.uk	141	70.5	59	29.5
Gov.uk	155	77.5	45	22.5
Citizensadvice.org.uk	188	94.0	12	6.0
Adviceguide.org.uk	122	61.0	78	39.0
Shelter.org.uk	145	72.5	55	27.5
Acas.gov.uk	197	98.5	3	1.5
Commercial Website/s	97	48.5	103	51.5
Other Government Website/s	140	70.0	60	30.0
Other Third Sector Website/s	140	70.0	60	30.0
Discussion Board/s	167	83.5	33	16.5
Blog/s	187	93.5	13	6.5
Online News Site/s	191	95.5	9	4.5
Forum/s	194	97.0	6	3.0

#### 4.5.3.3 *Use of the Hint Website*

As has been previously set out, half of each experimental group was offered a website hint – a statement that appeared just after they were told they could use the

Internet to help them respond to the rights questions asked. This ‘hint’ advised them that the website provided may be of use to them, for those in the employment group, the hint was the Citizen’s Advice Bureau’s website ([www.adviceguide.org.uk](http://www.adviceguide.org.uk)) for those in the housing group it was the Shelter housing charity advice website ([www.shelter.org.uk](http://www.shelter.org.uk)).

From the employment group, of those given the hint 66.7 per cent of individuals visited the hint website, the remaining 33.3 per cent did not. The ratio was similar for the housing group where 70 per cent of respondents given the hint visited the Shelter website while 30 per cent did not. Of those in the employment group who were not given a hint, 44 per cent went on to find and use the hint website in the course of their searching while 56 per cent did not. Again, numbers were similar for those in the housing group without a hint, where 40 per cent went on to find and use the hint website and 60 per cent did not. Those in the employment group who were not given the hint website and did not go on to find it were slightly more often university students studying law (33% finding the website versus 47% for those studying something else at university and 46% of those at school). The reverse was true in respect of the housing problem where 50 per cent of law students who were not given the hint went on to find the Shelter website compared to 39 per cent of respondents studying something else at University and 35 per cent of students at school.

#### *4.5.3.4 Website Preferences and User Typologies*

Website visitation was categorised into those who used: ‘mostly government’ websites; ‘mostly third sector’ websites; ‘mostly commercial’ websites; and ‘mostly other/a combination of site types’. Overall, individuals provided with a hint were associated with a higher number of respondents using mostly third sector websites (85.9%), those without a hint were more often using mostly government websites (42.3%). Those who were not provided with a hint also more often used commercial websites (17.7% v. 1.6%).

**Table 26.** Most used website-types by respondent activity-type

		Uni (Law)		Uni (Other)		School		TOTAL	
Webpage type most used		N	%	N	%	N	%	N	%
Hint Not Given/ Used	Gov	10	41.7	26	53.1	19	33.3	55	42.3
	3 <sup>rd</sup> Sector	9	37.5	13	26.5	9	15.8	31	23.9
	Comm	3	12.5	6	12.2	14	24.6	23	17.7
	Spread/Oth	2	8.3	4	8.2	15	26.3	21	16.2
Hint Used	Gov	2	15.4	2	7.1	0	0.0	4	6.3
	3 <sup>rd</sup> Sector	10	76.9	26	92.9	19	82.6	55	85.9
	Comm	0	0.0	0	0.0	1	4.3	1	1.6
	Spread/Oth	1	7.7	0	0.0	3	13.0	4	6.3

The use of particular website types also appeared to be associated with the respondent's age/activity. As is also shown in Table 26, greater numbers of school aged participants were found to be using mostly commercial websites compared to university students and this was particularly pronounced among school participants who were not given a website hint where 24.6 per cent were characterised as using mainly commercial websites, compared to 12.5 per cent for university (law) students and 12.2 per cent for university (other) students. University (law) students were less often categorised as using mainly third sector websites when given a hint, in comparison to the university (other) students and school students (76.9% v. 92.2% and 82.6% respectively). In both the hint and non-hint groups, school students more often utilised a variety of websites 'spread/other' compared to the university (law) and university (other) students.

In relation to website interaction more generally, 35.5 per cent of participants tended to stick to searching and browsing through websites, 44.2 per cent of participants did not browse through websites and instead used their search engine as a directory, going in and out of websites and conducting a number of searches rather than taking one resource and reading through it fully. 8.6 per cent engaged in behaviour that was indicative of both dipping in and out of search engines and reading and clicking through content on websites. The remaining 11.7 per cent of respondents did not undertake sufficient online activity for a judgment to be made. Going back and forth between search engine results and a web page was behaviour more often demonstrated by school students than those studying at university with 51.2 per cent of school students adopting this approach, compared to 37.6 per cent of

university students. It was also slightly more common among those who were not given a hint, with 50.4 per cent of those not given a hint more often going back and forth between search engine and web pages, compared to 36.8 per cent of those given a hint website. Only one individual downloaded material from a website, in that case the [www.adviceguide.co.uk](http://www.adviceguide.co.uk) website.

There was little evidence of brand loyalty emerging in the web search behaviour of those not given a hint website, as demonstrated by the Internet search histories. Although a number of individuals subsequently came across the hint website in the course of their searching, they were not always inclined to read through the web pages properly to obtain information relevant to the other questions. Individuals often chose other resources in favour of these websites and opted to use search terms to yield new resources to try, rather than attempting to browse within websites. Where individuals did seek information from the same resource more than once during the course of their searching, it was often because the website had shown up in search results again, i.e. there was no evidence of individuals searching specifically for websites that they had previously used and little searching conducted within websites.

#### **4.5.3.5        *Websites Used and Errors Made***

Thirty-nine respondents (19.6%) visited one or more websites that contained irrelevant content, eighty-three respondents (41.5%) visited one or more websites that contained information relevant to another jurisdiction. For the most part these were websites of foreign jurisdictions where the information provided bore no relevance to the laws of England and Wales. These websites were not limited to a specific type, and there was evidence of information being acquired from foreign government sites, third sector sites, discussion boards and commercial sites. However, there was no evidence of foreign newspapers, blog or forums being used. Upon realising that search results had produced overseas content, some individuals changed their search to include the term 'UK'. Others appeared not to recognise that jurisdiction was relevant, including one individual who acquired information from solely American websites (across a number of US States/Territories). Here the error was twofold – a failure to recognise that American content did not apply to England

and Wales, and a failure to recognise that the law differed across US States/Territories.

For a smaller number of respondents (n=14), information was acquired from Irish and Northern Irish websites. For 6 respondents content was acquired from just Irish/Northern Irish web pages, but 8 respondents acquired information from both overseas websites and Irish/Northern Irish websites. Here, the jurisdictional relevance of the material differed depending on problem type. For the employment problem it is possible that certain information of relevance to England and Wales could have been acquired from Irish and Northern Irish sites. This is due to the fact that some employment law is dictated by the EU and would remain the same across all member states (e.g. maximum hours worked per week as dictated by the EU's Working Time Directive). However, in relation to housing law, individuals acquiring information intended for Irish and Northern Irish residents may have been misled due to variations in the law between England and Wales, Ireland and Northern Ireland.

It was also observed that a lack of jurisdictional awareness occurred even when participants were visiting UK sites. When accessing the Shelter and AdviceGuide websites, although these websites made clear at the top of the text which jurisdiction the information applied, individuals were not always careful to ensure that they changed the jurisdiction to England. Thus, there were instances where individuals were reading material intended for residents in Scotland, rather than the readily available information provided for individuals living in England.

The ascertainment of information from foreign websites was more common among school participants than university (law), university (other) and training/employment respondents. Applying a binary logistic regression model to predict the use of overseas websites based on respondent's activity (school, university law, university other, training/employment) found that school students were significantly more likely to arrive at foreign web pages than other respondents. As shown in Table 27, university (law) respondent groups had a substantially lower likelihood of seeking information from jurisdictionally irrelevant websites (testing the model term Wald =5.41, p=0.020), the same was true of university (other) students (testing the model term Wald= 4.41, p=0.036). Whilst the same was true of training/employment respondents, this term fell quite short of significance. In percentage terms, the model predicted that 53 per cent of school aged respondents

would seek information from one or more webpages outside of the relevant jurisdiction, compared to 29.7 per cent of university (law) students and 36.3 per cent of university (other) students. Not only were school aged respondents more often seeking advice from overseas webpages, they more often used more than one page of an overseas website. So, out of those who did use an overseas webpage, 41.9 per cent went to only one overseas webpage, while the remaining 58.1 per cent went to more than one, with one respondent going to as many as 11 pages.

**Table 27.** Binary logistic regression output modelling use of overseas websites based on respondent's activity (significant terms in bold)

	Est.	S.E.
<b>Constant</b>	0.12	0.22
School	0.00	-
University (Law)	<b>-0.98</b>	<b>0.42</b>
University (Other)	<b>-0.68</b>	<b>0.33</b>
Training/Employment	-1.51	1.14

#### 4.5.3.6 *Perceptions of Good Websites*

Respondents were asked an open-ended question that gave them the ability to specify which websites (if any) they found useful during the course of their searching. Caution should be exercised with respect to the figures that follow. This question was not prompted, meaning scores could easily reflect the extent to which individuals remembered the site they used. Nevertheless, nearly all those visiting [www.direct.gov.uk](http://www.direct.gov.uk) indicated that the website was useful (93.2%), the same was not true for [www.gov.uk](http://www.gov.uk) where 64.4 per cent claimed the site was useful. For both [www.adviceguide.org.uk](http://www.adviceguide.org.uk) and [www.shelter.org.uk](http://www.shelter.org.uk) approximately two-thirds of respondents identified the resources as useful (60.3% and 64.9% respectively).

Looking more broadly at all the sites recommended by respondents, Table 28, below summarises the top three websites (if more than three were given) identified by respondents as useful according to respondents problem type and whether they were given a hint or not. For the purposes of this analysis, individuals who were given the hint website but who did not use the hint were removed. Table 28 highlights that individuals most often identified government websites as useful in

instances where they were not given a hint, and identified the hint website as most useful in instances where they used a hint. For those using a hint, approximately 50 per cent went on to name the hint website as one which they had found useful. However there was a clear difference in the extent to which individuals identified the hint website as useful based on whether they had been directed to it or not. For the employment problem, the rate at which the AdviceGuide website was identified as useful by those in the non-hint group was less than half of that reported by those in the hint group (12% v. 50%), with the same being true of the housing group (12.5% v. 52.1%) when it came to the Shelter website.

Looking at those given a hint, the extent to which they identified other sites as being useful provides some indication as to the type of additional information they were seeking. In respect of housing, individuals in the hint group more often identified Yahoo Answers and e-How as useful than those in the no-hint group (6.3% v. 5.7% for e-How and 10.4% v. 3.4% for Yahoo Answers). In respect of the employment problem however, e-How was not identified as useful by any of the respondents and only one respondent in the no hint group (2.2%) and one in the hint group (2.4%) identified Yahoo Answers as useful. Commercial sites were more often identified as useful by those in the no-Hint groups.

**Table 28.** Websites reported as being most useful to participants

	Employment				Housing			
	No Hint		Hint Given & Used		No Hint		Hint Given & Used	
	N	%	N	%	N	%	N	%
DirectGov	33	35.9	9	21.4	14	15.9	2	4.2
Gov.uk	16	17.4	7	16.7	5	5.7	2	4.2
Shelter	0	0.0	0	0.0	11	12.5	25	52.1
Citizen's Advice	11	12.0	21	50.0	13	14.8	2	4.2
Other Gov	7	7.6	0	0.0	2	2.3	2	4.2
E-how	0	0.0	0	0.0	5	5.7	3	6.3
Yahoo Answers	2	2.2	1	2.4	3	3.4	5	10.4
Commercial	5	5.4	1	2.4	5	5.7	2	4.2
TAS	0	0.0	0	0.0	6	6.8	0	0.0
Incorrect jurisdiction	0	0.0	0	0.0	7	8.0	1	2.1
Other	4	4.4	1	2.4	2	2.3	2	4.2
None	6	6.5	0	0.0	10	11.4	2	4.2
Wiki	5	5.4	1	2.4	0	0.0	0	0.0
Search Engine	3	3.3	1	2.4	5	5.7	0	0.0

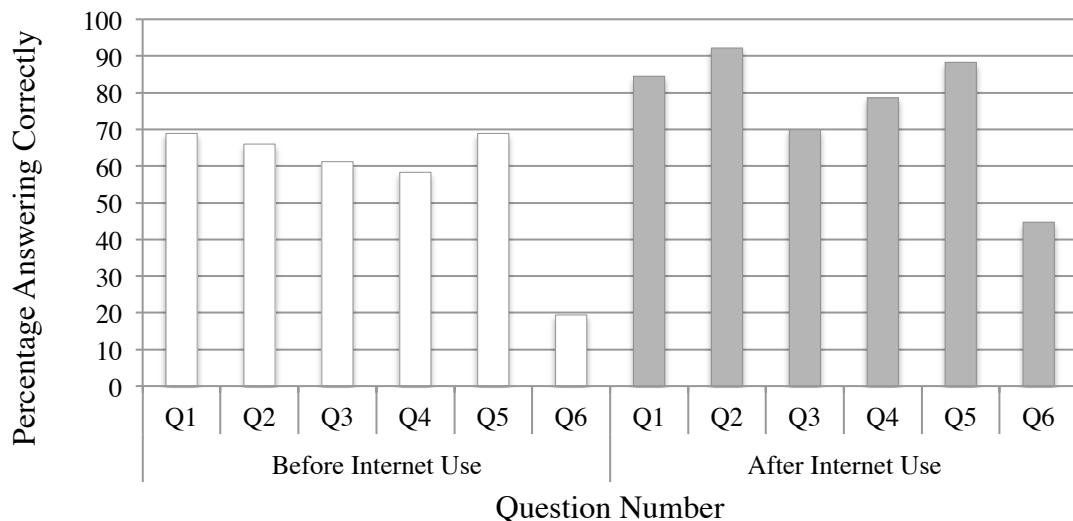
Having explored respondents use of the Internet both in terms of search techniques and website visitation, analysis now turns to explore whether use of the Internet was actually associated with improved knowledge of rights.

#### **4.5.4 Knowledge of Rights**

##### **4.5.4.1 Knowledge Before and After Internet Use**

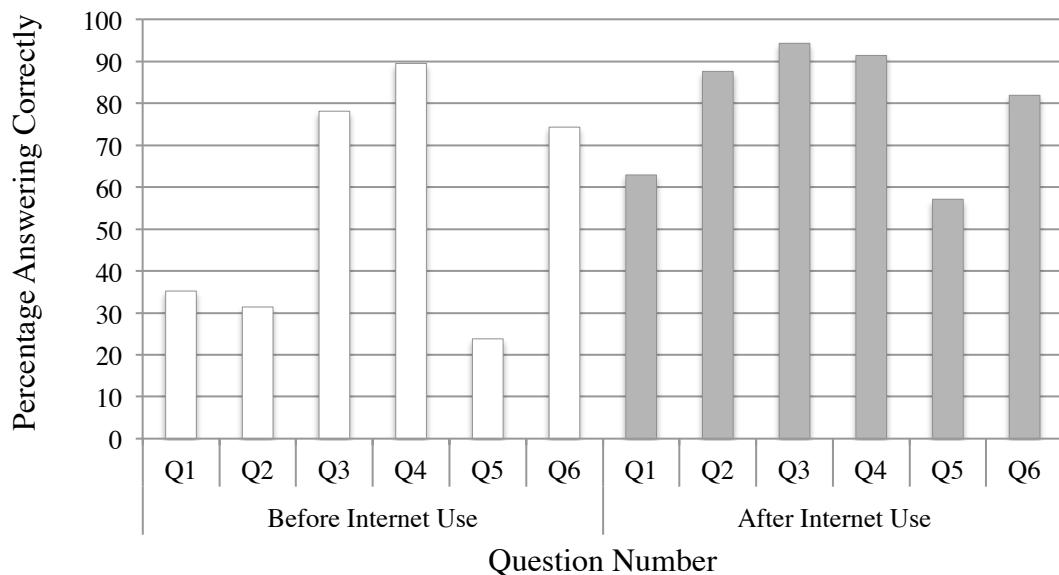
For both the employment and housing hypothetical scenarios, respondents were asked to answer six questions designed to test their understanding of the protagonist's legal rights in the situation. Looking at the housing and employment groups separately, the mean for housing was slightly higher at 3.4 (SD=1.4) than the mean for the employment questions at 3.3 (SD=1.3) - marginally better than the result that would have been expected if left to chance alone. Having used the Internet, the mean scores rose for both groups, interestingly, mean scores were higher for the employment questions at 4.8 than for the housing questions at 4.6 whilst standard deviation remained the same for both at 1.2. Overall, 49.5 per cent of the cohort obtained a score of 3 or less out of 6 questions correct, that is, less than what probability predicts their score would be if they simply guessed the answers to the questions.

Looking at the questions as shown in Figure 15 and Figure 16 below, we can see that for the housing hypothetical, individuals answered question 6 correctly less often with only 19.4 per cent of respondents answering correctly. As has been previously detailed in the methodology section, Q6 asked respondents whether a Landlord's employees were entitled to remove a tenant from a property once an eviction notice had been obtained and the requisite eviction notice period of 28 days had passed. Knowledge in respect of this question was substantially improved after having used the Internet with correct responses doubling to 44.7 per cent. Good improvement was also seen in relation to Question 2 of the housing questions where correct responses went from 66 per cent prior to using the Internet, to 92.2 per cent after having used the Internet.



**Figure 15.** Percentage of respondents answering the housing questions correctly before/after Internet use

Looking at scores in relation to the employment hypothetical, scores were particularly low for questions 1, 2 and 5 prior to using the Internet, although good improvement was seen across all questions post-Internet use. Question five was challenging in part because it dealt with a recent change in the law involving the length of time an employee had to have worked for an employer before they could claim unfair dismissal. While 23.8 per cent of respondents were correct initially, this improved to 57.1 per cent when respondents were given access to the Internet to search for information. This improvement of 33.3 per cent was however not the highest improvement. This went to question two which dealt with respondents knowledge of the National Minimum Wage and whether it was lower, the same as or higher than the protagonist's. 31.4 per cent of respondents answered this correctly initially, with this rising to 87.6 per cent after use of the Internet.



**Figure 16.** Percentage of respondents answering the employment questions correctly before/after Internet use

Looking at whether before/after scores on the rights based questions differed for those who used a hint versus those who did not use a hint, those in the no hint group had a mean of 3.4 (SD=1.4) prior to use of the Internet and a mean score of 4.7 (SD=1.2) after having used the Internet. Those in the hint group had a mean score of 3.3 (SD=1.3) prior to using the Internet and a mean of 4.6 (SD=1.1) after using the Internet. Thus there was a difference in mean before and after of 1.3 for those in the no hint/hint not used group and 1.3 for those in the hint used group. The difference in use of a hint compared to no hint did not reach statistical significance according to a logit model of improvement out of six (as a binomial proportion) on the basis of hint/no hint ( $z=0.24$   $p=0.81$ ). This means, the score of those in the hint used group was no higher than those in the hint not used/given group.

**Table 29.** Mean scores achieved on the hypothetical questions before/after Internet use, distinguished by problem type and hint use

		Before Score			After Score		
		Mean	N	SD	Mean	N	SD
<b>Employment</b>	No hint	3.1	55	1.4	4.7	55	1.3
	Hint	3.7	50	1.0	4.8	50	1.0
<b>Housing</b>	No hint	3.7	50	1.3	4.7	50	1.2
	Hint	3.0	53	1.6	4.4	53	1.1

Table 29 looks at whether a difference in mean was seen between the hint used/hint not given or not used group as distinguished by problem-type. Factoring in starting means, for the employment problem those who used a hint achieved a slightly smaller increase in mean score after having used the Internet than those who were not given a hint/did not use a hint given. For the housing group, the reverse was true, those in the hint used group achieved a slightly higher increase in mean score after having used the Internet.

Looking at whether improvement differed across respondent activity type, Table 30 highlights the extent to which respondents improved their scores depending on whether they were a school student, university student (law), university student (other) or in other education/training.

**Table 30.** Score improvement based on respondent activity-type<sup>32</sup>

	No Improvement		Improvement	
	N	%	N	%
University (Law)	7	19.4	29	80.6
University (Other)	13	16.5	66	83.5
School	39	47.6	43	52.4
Training/Employment	1	16.7	5	83.3

As can be seen in Table 30, over 80 per cent of respondents in the university (law), university (other) and training/employment groups demonstrated improvement in their scores after having used the Internet (80.6%, 83.5% and 83.3% respectively). This was not the case for school respondents where only 52.4 per cent saw an improvement in their score after having used the Internet.

<sup>32</sup> Five respondents who were not able to improve because they scored 6/6 to begin with, were removed from this analysis.

There are a number of potential reasons for differences in the acquisition of knowledge by the various groups. Analysis now seeks to determine whether a respondent's personal characteristics, search behaviour and website use had an impact on score improvement.

#### 4.5.4.2 *Predictors of Improvement*

Overall, 68.8 per cent of respondents (n=143) scores improved after using the Internet, 20.2 per cent of respondents (n=42) scores remained the same before and after Internet use and 11.1 per cent of respondents (n=23) scores decreased after using the Internet.

Looking at the extent to which improvement was influenced by a range of demographic variables, Table 31 shows a binary logistic regression model, modeling whether or not respondents improved their scores based on activity, Internet user type ethnicity, gender, hint and problem type.

**Table 31.** Binary logistic regression output modelling score improvement on the basis of respondent characteristics (significant terms in bold)

		Est.	S.E.
<b>Constant</b>		0.01	0.51
<b>Activity</b>	School	0.00	-
	University (Law)	<b>1.67</b>	<b>0.57</b>
	University (Other)	<b>1.91</b>	<b>0.48</b>
	Other Training/Employment	1.58	1.17
<b>Internet User</b>			
<b>Type</b>	Narrow	0.00	-
	Broad	0.12	0.37
<b>Ethnicity</b>	White British/White Other	0.00	-
	Asian/Asian British	0.63	0.47
	Black/Africa/Caribbean/Black British	0.27	0.60
	Mixed Race/Multiple Ethnicities	-0.53	0.70
	Other/unspecified	1.24	0.79
<b>Gender</b>	Male	0.00	-
	Female	-0.40	0.36
<b>Hint</b>	No	0.00	-
	Yes	-0.19	0.36
<b>Problem Type</b>	Employment	0.00	-
	Housing	-0.08	0.34

As shown in Table 31, all activity types were associated with an increased probability of achieving an improved score compared to the reference category. For university (law) students this increase was statistically significant (testing the model term; Wald=8.52, p =0.004), as was also the case for university (other) students (testing the model term; Wald=15.58, p=0.000). In percentage terms (simulating from the model in Table 31 and keeping other variables proportional to their representation in the dataset as a whole) we would expect that an individual in our reference category (a male, white British school student in the employment group with no hint who is a narrow/medium Internet user) would have a 46.3 per cent chance of experiencing an improvement in their score using the Internet compared to 82.3 per cent for a university (law) student and 85.4 per cent for a university (other) student (with similar demographic characteristics).

Looking at the effect of activity type in isolation (whilst controlling for the effect of the other variables detailed in Table 31), in the raw data the school students had a percentage improvement of 52.4. Applying the activity type model estimates from Table 31 leads to an estimated probability of improvement of 46.3 per cent for a school student, increasing to 82.3 per cent for a university (law) student, 85.4 per cent for a university (other) student and 82.0 per cent for a student in other training/employment.

As can be seen in Table 31, the remaining characteristics were not statistically significant in predicting score improvement.

**Table 32.** Binary logistic regression output modelling score improvement on the basis of respondent search behaviour (significant terms in bold)

		Est.	S.E.
<b>Constant</b>		0.20	0.68
<b>Problem Type</b>	Employment	0.00	-
	Housing	-0.09	0.38
<b>Hint</b>	No	0.00	-
	Yes	-0.10	0.38
<b>Time Spent Online</b>		0.00	0.00
<b>Search Engine</b>	Yahoo	0.00	-
	Google	-0.19	0.41
	Both	-0.04	0.76
<b>In and out of search engines</b>	No	0.00	-
	Yes	-0.08	0.50
<b>Through a website path</b>	No	0.00	-
	Yes	-0.02	0.47

<b>Use UK</b>	No	0.00	-
	Yes	0.75	0.40
<b>Number of Search Types</b>	Simple	0.07	0.14
	Specific	-0.01	0.17
	Question	-0.02	0.09

Looking at whether search behaviour influenced the likelihood of achieving an improvement in score, Table 32 shows a binary logistic regression model, modeling whether or not respondents improved their scores based on problem type, hint, time spent using the Internet to search for answers, searching strategy, the search engine used, whether UK was added to search terms and the number of simple, specific and question based searches the respondent undertook. As can be seen from the model, whilst there were a number of variables associated with a decrease in probability of score improvement, these differences were both small and failed to reach significance. Of all the variables, whether or not an individual used 'UK' in their search terms appeared to have the most impact in increasing the probability of score improvement, this was however, just short of significance (testing the model term Wald=3.55, p=0.06) The length of time spent online came close to significance (Wald=3.18, p=0.07) however, the actual impact it contributed to increasing probability was minor (b = 0.001).<sup>33</sup>

Table 33 shows a binary logistic regression model, modeling whether or not respondents given the employment problem improved their scores based on (common) websites they went to, whether they used the hint website or not, and whether they viewed webpages with content that was either irrelevant or intended for another jurisdiction.

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<sup>33</sup> Additional terms were added to the model to explore the interaction between 'Through a Website' and 'In and out of a Website', as well as replacing the Hint/No Hint variable with one which took into account whether individuals used the hint or not. In the case of the Interaction between search strategy although use of both strategies was associated with a decreased probability of score improvement this was non-significant (b= -1.48, Wald =2.69, p=0.10). This was also true of the hint not given or used/hint used term (b= 0.90, Wald = .042, p =0.84).

**Table 33.** Binary logistic regression output modelling improvement on the employment hypothetical based on (common) website use and visitation of webpages with content that was irrelevant/intended for another jurisdiction (significant terms in bold)

		Est.	S.E.
<b>Constant</b>		0.13	0.75
<b>Went to site with irrelevant content</b>	No	0.00	-
	Yes	-1.10	0.81
<b>Went to site in another jurisdiction</b>	No	0.00	-
	Yes	-0.27	0.71
<b>Websites Used</b>	Direct Gov	<b>2.23</b>	<b>0.79</b>
	Gov.uk	-0.13	0.64
	AdviceGuide	0.13	0.60
	Commercial Site/s	0.29	0.69
	Other Government Site/s	0.21	0.68
	Other Third Sector Site/s	1.20	0.68

As can be seen in Table 33, certain websites were associated with a greater probability of score improvement. This was particularly true of the direct.gov.uk website which was associated with a much higher increased probability of improvement at a statistically significant level (testing the model terms Wald=7.89,  $p = 0.005$ ). Whilst going to one or more webpages with irrelevant content or content intended for another jurisdiction was associated with a decreased probability of achieving an improved score, in both cases these findings failed to reach significance. In percentage terms, the model predicted that an individual given the employment problem who went to the directgov.uk website would have a 91.4 per cent chance of score improvement, compared to an individual who went to the Adviceguide.org.uk website who would have only a 56.5 per cent chance of improvement.<sup>34</sup>

<sup>34</sup> Both the law and the main government website changed during the course of the experiment. Those who answered the final employment question prior to the change in the law may have had an easier time reaching the correct answer than those who answered after the law changed. To control for the effect of this (and the likelihood that those answering the question prior to the change in the law would have been using direct.gov and not gov.uk to do so) another model was fitted which included a term that factored in (i) individuals answering the law pre-April 2013 and not using the direct.gov website, (ii) individuals answering the question pre-April and who did use the direct.gov website, (ii) individuals answering the question post-April not using the gov.uk website and (iv) individuals answering the question post-April using the gov.uk website. Due to the timing of fieldwork, no respondents would have answered the question before the law changed but after direct.gov shifted to gov.uk. This altered model found those answering the questions (ii) pre-April using the direct.gov

**Table 34.** Binary logistic regression output modelling improvement on the housing hypothetical based on (common) website use and visitation of webpages with content that was irrelevant/intended for another jurisdiction (significant terms in bold)

			Est.	S.E.
<b>Constant</b>			-0.13	0.61
<b>Went to site with irrelevant content</b>	No			
	Yes		0.37	0.63
<b>Went to site in another jurisdiction</b>	No			
	Yes		-0.08	0.63
<b>Websites Used</b>	Shelter		<b>1.27</b>	<b>0.53</b>
	Gov.uk		0.82	0.92
	AdviceGuide		-0.18	0.55
	Commercial Site/s		0.08	0.60
	Other Government Site/s		-0.08	0.57
	Other Third Sector Site/s		0.81	0.57

As shown in the model detailed in Table 34, whilst a number of the websites were associated with an increased probability of score improvement, only the Shelter website was associated with improvement at a statistically significant level (testing the model term Wald=5.80, p=0.02). As in the previous employment model, visiting a website with content intended for another jurisdiction was associated with a decrease in the likelihood of score improvement, though this was not statistically significant.<sup>35</sup> In percentage terms, the model predicted that an individual given the housing problem who went to the shelter.org.uk website would have a 75.8 per cent

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website had a higher probability of increasing their score than those answering the questions pre-April without the use of direct.gov or post-April with or without the use of gov.uk (testing the model terms b=2.12, Wald = 6.52, p =0.01). Whilst those answering the questions post-April 2013 (with or without the use of gov.uk) had slightly diminished chances of success compared to pre-April respondents, these terms were not statistically significant. Consequently, the effect of change in the law on score improvement was small and the increased probability of success associated with direct.gov usage was associated to the use of the website alone and not the fact that at the time it was used individuals were answering a potentially easier question.

<sup>35</sup> A model was also fitted to explore the influence of hint and use of the Shelter website, in this case the variable 'Shelter' was replaced with a variable that included whether individuals were (i) given the hint and used the Shelter Website, whether individuals were given the hint and did not use the Shelter website, (iii) whether individuals were not given a hint but used the Shelter website, and (iv) whether individuals were not given a hint and did not use the Shelter website. The model found a decrease in the probability of increased scores for those who were not given a hint and did not use the Shelter website at a statistically significant level (testing the model terms, b=-1.40, Wald=4.49, p=0.34), a decrease was also seen for those who were given a hint but did not use it (testing the model terms, b=-1.03, Wald=1.83, p=0.176) however here scores failed to reach statistical significant, probably due to the small numbers in each group. Results suggest that the key to improved scores on the basis of website behaviour was whether respondents visited the Shelter website or not.

chance of score improvement compared to an individual who went to, for example, the gov.uk website who would have a 66.6 per cent chance of improvement.

#### 4.5.4.3 *Recognition of Improvement*

Individuals were also asked whether they felt using the Internet helped them to answer the questions. Overall 83.7 per cent (n=174) felt that using the Internet helped them to answer the rights based questions. 3.9 per cent felt that the Internet did not help them answer the questions (n=8) and 12.5 per cent felt that use of the Internet made no difference (n=26). Those who felt that the Internet was either not useful or made no difference were more commonly those who were not given a hint/did not use the hint given and those who were in school.

For the majority of respondents (73.6%) there was no discrepancy between their perception of the Internet's usefulness and the extent to which using the Internet led to a change in their knowledge of rights. Findings in Table 35 highlights where perception and reality differed.

**Table 35.** Whether individuals found questions easier to answer using the Internet, by change in score

Whether easier to answer questions using the Internet	Change in Score After Using the Internet			
	Score Increase		Score Same/Decrease	
	N	%	N	%
Made no difference/Was not helpful	12	35.3	22	64.7
Yes	131	75.3	33	19.0

As can be seen in Table 35, there was some disparity between respondent's perceptions of the Internet's use and its actual effect on the respondent's score, however for the most part individual's perceptions of the usefulness of the Internet aligned with its actual utility (in terms of score improvement). Of those who claimed the Internet was not helpful to them or made no difference, 35.3 per cent went on to improve their score following Internet use, whereas 64.7 per cent did not. Of those who felt the Internet was useful, 75.3 per cent improved their score following Internet use, whilst 19 per cent did not. Those who were not given a hint/didn't use a hint more often claimed that the Internet was not helpful when in fact they

experienced score improvement. Conversely those who believed the Internet was helpful but whose scores did not actually improve were more often those who used their hint. School students appeared to be the worst at accurately perceiving the usefulness of the Internet tending to believe that using the Internet improved their scores when it did not.

#### *4.5.4.4 Enforcement of Rights*

In addition to answering the set of 6 rights-based questions with and without the aid of the Internet, respondents were also asked an open-ended question aimed at determining what they thought the protagonist Alisha should do in her particular situation. The purpose of this question was to establish not just whether individuals had an understanding of their rights, but the degree to which they understood the process by which rights could be enforced and how to go about doing so. These verbatim responses were examined and categorised into the categories detailed in Table 36 below, noting that some respondents gave more than one answer. These responses have been split by problem type, as certain recommended action (e.g. calling the Police) was more appropriate for those assigned the housing problem than for those assigned the employment problem.

**Table 36.** Where respondents thought Alisha should seek advice before and after Internet use

	EMPLOYMENT				HOUSING			
	Before Internet		After Internet		Before Internet		After Internet	
	N	%	N	%	N	%	N	%
Seek Advice	57	48.3	38	27.1	42	33.3	43	30.5
Negotiate/Speak with Landlord/Boss	10	8.5	29	20.7	17	13.5	17	12.1
Call Police	0	0.0	0	0.0	37	29.4	35	24.8
Do Nothing	0	0.0	0	0.0	2	1.6	3	2.1
Seek out information about her rights	14	11.9	10	7.1	6	4.8	4	2.8
Don't Know	11	9.3	3	2.1	14	11.1	6	4.3
Report to Court/Tribunal/Government Authority	3	2.5	2	1.4	1	0.8	5	3.6
Accept it and move on	3	2.5	3	2.1	5	4.0	15	10.6
Internal Complaint/Take legal action	20	17.0	55	39.3	2	1.6	13	9.2

As can be seen in Table 36 looking at responses before using the Internet, almost half of respondents (48.3%) in the employment group and a third of respondents in the housing group (33.3%) suggested that the protagonist should seek advice, with considerably less suggesting that Alisha should try and ascertain information about her rights herself (11.9% for employment and 4.8% for housing). The tendency to recommend negotiation with either the protagonist's boss or the protagonist's landlord was relatively infrequent (8.5% in the employment group and 13.5% in the housing group). A similar number of respondents professed that they did not know what the protagonist should do (9.3% for employment, 11.1% for housing). There was little difference between the groups in relation to the extent to which they suggested Alisha should accept circumstances and either find another job or move out of her rental property (2.5% and 4% respectively) and even less suggested she should take no action, with no respondent in the employment group recommending this and only 2 respondents in the housing group suggesting it (1.6%).

There was a tendency for a small number of respondents (2.5% for employment and 0.8% for housing) to assume that there was a court/tribunal or government agency that handled problems like this and to whom the issue could be reported. Examples of these types of verbatim responses included those who suggested that Alisha should 'send off an official complaint to the government' another who suggested she should 'report the matter to some authority (home office?)' and another who suggested that she should 'seek advice from an employment tribunal'. For these individuals there was a clear misunderstanding as to the role of various organs of the state (including employment tribunals and the Home Office).

There was also a tendency for individuals to pursue professional advice before attempting to acquire an understanding of the situation. The extent to which the situation was urgent varied by problem type. In the employment scenario the protagonist was about to lose her job. Respondents were not given any further information about the extent to which the respondent could survive without a job and it was left up to the respondents to suggest action in line with the urgency they perceived the situation merited. Here, respondents demonstrated a tendency to seek advice from more authoritative figures (lawyers, parents, Unions) than initially attempting to resolve the problem through negotiation. However, there were respondents who understood the general progression of legal action, with one

suggesting that Alisha should ‘Speak to the landlord directly about the rent had not been paid in full in an attempt to settle the dispute. Determine whether the employees have the legal right to enter the property under the Court Order. Seek legal advice.’ Another suggested that Alisha should ‘Research which laws apply to her and go to the Citizens Advice Bureau/solicitor for further advice if necessary after this.’

Prior to Internet use law students more often suggested that the individual proceed straight to obtaining legal advice (52.1% for law students compared to 42.3% for other university students and 30.4% for School students). Law students also less often suggested that the protagonist should seek help from the Police in relation to the housing hypothetical. School students more often indicated that they ‘didn’t know’ what Alisha should do (18.5% compared to 5.2% for university other students and 6.3% for university law students).

Looking at the extent to which strategy for resolving the problem changed as a result of exposure to material online, as can be seen in Table 36, respondents made a greater number of suggestions overall after using the Internet and these suggestions also differed. The rate at which respondents suggested Alisha should get advice dropped after Internet use, with 27.1 per cent in the employment group and 30.5 per cent in the housing group recommending this course of action (compared to the previous rates of 48.3% and 33.3% respectively). Respondents in the employment group more often suggested that the protagonist attempt to negotiate with her Boss, or seek additional justification for her dismissal and there were three times as many suggestions for this course of action after respondents used the Internet than before they used it. In relation to both problem types, fewer respondents reported that they didn’t know what Alisha should do after having used the Internet. A greater number of suggestions were made in the housing group recommending that Alisha should accept the situation and move out of the property without contesting her rights. In both groups, a greater number of suggestions to take legal action were made (39.3% for employment and 9.2% for housing). For the employment group, these suggestions were predominately aimed at taking steps to formalise a complaint internally before pursuing tribunal action. Suggestions made by those in the housing group were orientated around challenging the Landlord’s court order. Interestingly, fewer suggestions were made by those in the housing group for Alisha to call the Police after individuals had access to the Internet with this suggestion comprising

24.8 per cent of recommendations made after using the Internet versus 29.4 per cent before using it.

The rate at which law students suggested seeking legal advice dropped following Internet use to a level comparable to that of the other groups (28.6% compared to 28.3% for university [other] students and 30.9% for school students) in favour of negotiation and/or lodging an internal complaint. Other differences between groups were minor.

Overall, use of the Internet brought about an inconsistent change in respondents' strategy. For some, the Internet enabled them to obtain greater clarity about the rights of the protagonist but this did not always translate into clarity as to what the protagonist should do. For example, one response was as follows: 'The employer should give you at least the statutory notice of a week for each complete year of service, up to a maximum of 12 weeks. So someone employed for 7 years gets 7 weeks notice. However you might well be entitled to longer notice under your contract of employment a monthly paid worker should get at least one months notice, even if they have been employed for less than four years.' Here the respondent demonstrated good knowledge of the protagonist's rights, but did not provide any information about what the respondent should do next. Others appeared to have acquired a general sense of the various options available to the protagonist, but lacked any specificity: 'seek advice from; citizens advice center, solicitor, shelter, talk to land lord, write a letter of formal complaint, get mediation, go to court' suggesting an attempt to cover all bases in suggesting all possible forms of action rather than selecting the most appropriate course of action given the stage of the dispute. In respect of the housing problem the inability of respondents to identify appropriate action was heightened because of a consistent failure to recognise the urgency of the protagonist's dilemma and her imminent homelessness. One individual suggested the protagonist: 'Get help from your tenants' association. If your building has a tenants' association, bring up your situation at the next meeting. You may learn that the landlord is treating other tenants the same way or has done so in the past. Ask your landlord to stop...' These suggestions not only overlooked the urgency of the situation but also made a number of assumptions about the property (e.g. in order for the suggestion of 'speaking to your tenancy association to apply' the rental property would need to be a flat rather than a house when the information actually indicated the property was a house). In respect of the housing

problem there was also a level of confusion as to the role that the local council played in disputes between private landlord and tenants. Many respondents suggested that the protagonist either seek advice from the Local Council or make a complaint to their local council, suggesting a lack of awareness of the difference between public and private housing disputes and the role of the local council in these disputes.

#### 4.5.4.5 *Knowledge of Sources of Advice*

Respondents were also asked before and after Internet use 'If Alisha wanted to obtain independent advice, where would be a good place to go'. Individuals were able to provide more than one suggestion in response to the open-ended question, with verbatim responses then categorised into groups based on the most common responses given. The average number of responses given per person rose following Internet use.

Table 37 highlights the responses individuals gave prior to using the Internet, distinguished by problem type.

**Table 37.** Respondents suggested independent sources of advice before/after Internet use

	EMPLOYMENT				HOUSING			
	Before Internet		After Internet		Before Internet		After Internet	
	N	%	N	%	N	%	N	%
CAB	35	26.3	49	30.4	44	32.1	43	23.6
Lawyer/Solicitor	33	24.8	26	16.2	37	27.0	38	20.9
Free Legal Advice	15	11.3	9	5.6	3	2.2	5	2.8
Union	5	3.8	6	3.7	0	0.0	0	0.0
Local Authority/Council	7	5.3	6	3.7	15	10.6	22	12.1
Friends/Family	3	2.3	0	0.0	3	2.2	1	0.6
Internet	6	4.5	29	18.0	6	4.4	14	7.7
Other	14	10.5	18	11.2	15	11.0	31	17.0
Shelter	0	0.0	0	0.0	3	2.2	25	13.7
ACAS	0	0.0	16	9.9	0	0.0	0	0.0
Don't know	15	11.3	2	1.2	11	8.0	3	1.7

As can be seen in Table 37, looking at the employment group, before using the Internet respondents were most familiar with Citizen's Advice with 35 individuals in the employment group (26.3%) suggesting that advice might be sought from here. This was closely followed by a high number of respondents in the employment group suggesting the protagonist seek advice from a lawyer/solicitor (n=33, 24.8%). Suggestions for non-professional sources of advice including obtaining advice from family or friends were uncommon accounting for only 2.3 per cent of the suggestions made by those in the employment group. The same was true of suggestions to use the Internet, which was recommended by only 6 respondents (4.5%). 'Other' suggestions accounted for 10.5 per cent of those made in the employment group. These suggestions varied with some individuals suggesting that advice could be sought from an employment tribunal, and others suggesting 'Job Centres' might be good sources of advice. The quality of suggestions also varied and for some they appeared to be indicative of a lack of awareness of service providers and an assumption that they must be provided by the government. This included one individual who suggested that Alisha could 'speak to an official who knows all about the rights of a worker in the UK' and another who suggested that there was '...probably a helpline out there that can help her'.

In respect of the housing group, prior to using the Internet as was the case for the employment group, the CAB was the most commonly suggested source of advice (32.1%) followed by a lawyer/solicitor (27%). As in the employment group, suggested use of the Internet was relatively uncommon (4.4%) as was suggestions to seek advice from family/friends (2.2%). Seeking advice from a local authority/council was one of the more common suggestions, accounting for 10.6 per cent of suggestions coming from those in the housing group. Other suggestions comprised 11 per cent of the total suggestions made by those in the housing group. As was the case in relation to the employment group, the type and quality of 'other' suggestions made, varied. In some cases suggestions demonstrated a misunderstanding as to what various functions of government do or assumption that such services must exist. This included one respondent in the housing group who suggested that Alisha seek advice from 'the Home Office/Housing Office'. Other respondents suggested seeking help from an estate agent or the UCL Housing Advice Centre.

Following Internet use, those in the employment group suggested the CAB as a source of advice more often (30.4%). The number of respondents in the employment group who suggested the protagonist seek advice from a lawyer dropped following use of the Internet from 24.8 per cent to 16.2 per cent. An increase was seen in the number of respondents suggesting the Internet as a source of advice after having used it (18 % v. 4.51%). There was also an increased awareness of the services of ACAS with 9.9 per cent of respondents suggesting this after using the Internet, compared to no respondents suggesting this prior to Internet use. Finally, use of the Internet by the employment group was associated with a decrease in the number of respondents indicating that they 'didn't know' where the protagonist should seek advice, with 11.3 per cent claiming this prior to Internet use and only 1.2 per cent claiming it after. Whilst the quality of some responses improved after using the Internet, in some cases the 'other' suggestions (which constituted 11.2%) made were less appropriate. Again, poor suggestions were usually a result of respondents being unfamiliar with the role of various organisations, including one respondent who suggested seeking advice from the 'Education Union'. Other responses included seeking advice from one's 'Local MP', 'Local Courthouse', the 'Pay and Work Rights Helpline', 'Job Centre' and the 'Equality and Human Rights Commission'.

Respondents using the employment hint website (a website provided by the CAB) more often suggested the CAB as a source of advice (43.8% compared to 24.5%). Those in the employment no hint/hint not used group more commonly suggested ACAS as a source of advice (14.2%) than those in the hint used group (2.1%), they also more often suggested that Alisha seek advice from a lawyer/solicitor (17.9% v. 12.5%) and more often suggested referring to the Internet (19.8% v. 14.6%). A similar number of 'other' suggestions were made by those in the hint used and no-hint/not used group (10.4% v. 14.6%), in terms of the nature of suggestions made, there did not appear to be any clear differences emerging in the 'other' responses of those in the hint and the no-hint/hint not used group.

After using the Internet, those in the housing group suggested seeking advice from the CAB less often (23.6% down from 32.1%). There was however a corresponding increase in the number of respondents suggesting Alisha seek advice from Shelter which rose from 2.2 per cent before using the Internet to 13.7 per cent after having used it. The number of respondents who suggested Alisha seek advice from a lawyer/solicitor also slightly decreased after having used the Internet (down

to 20.9% from 27%). There was also a decrease seen in the number suggesting that they didn't know where Alisha could seek advice down to 1.7 per cent from 8 per cent. As in the employment group, in the housing group the number of respondents making 'other' suggestions increased after using the Internet from 11 per cent to 17 per cent. Similarly the quality of suggestions made did not always improve with Internet use. Respondents still demonstrated the tendency to assume that a government department existed to handle such problems and in some cases misunderstood the function of existing services. This included one individual who suggested Alisha contact the 'Leasehold Advisory Service' and another suggested she contact the 'Housing Ombudsman'. One Law Student suggested that she consult the 'Rent Act 1977' which was not only a poor suggestion for independent advice but also an irrelevant piece of legislation. Another respondent suggested that the protagonist could obtain advice from her 'Environmental Health Organisation' for her dispute with her landlord, another suggesting she obtain advice from 'Savilles' (a residential tenancy agency).

In terms of differences between those in the housing hint used group and housing no hint/hint not given group, Shelter was recommended by the hint group more often than those in the non-hint group (25% v. 8.6%). For those in the no-hint group, a greater number suggested that advice could be sought from the CAB compared to those in the hint used group (28.2% v. 15%). The proportion respondents suggesting that Alisha seek advice from the local authority/council did not vary substantially between the hint/no hint group (13.3% v. 12%). As with the employment group, the only individuals indicating that they did not know where advice could be obtained were from the no-hint group. A similar number of 'other' suggestions were made by those in the hint and no-hint group (15.4% v. 18.3%), as was the case with the employment group, there did not appear to be any clear differences emerging in the 'other' responses of those in the hint and the no-hint group.

#### *4.5.4.6 Confidence Asserting Rights*

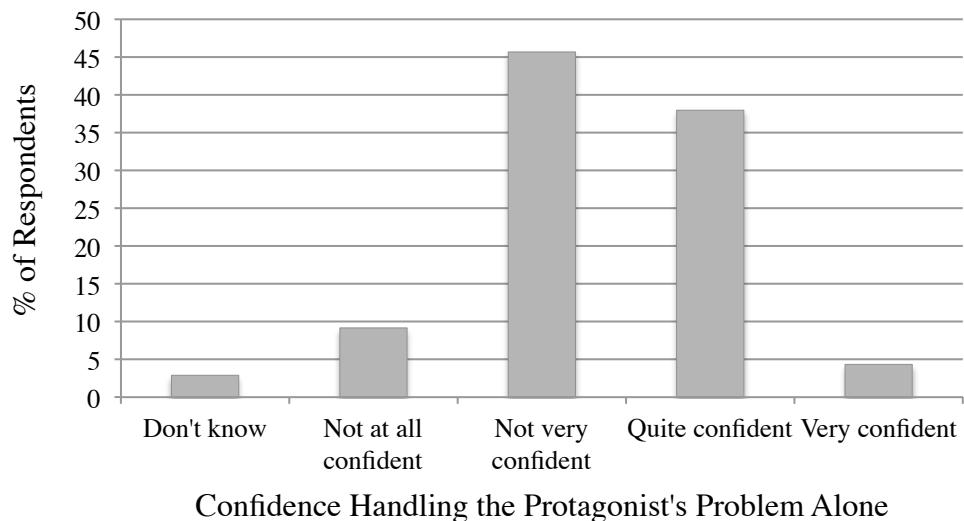
Prior to using the Internet, respondents were asked how confident they would be in handling a problem like the protagonist's if it were a problem they were facing themselves. Most respondents indicated that they would know how to handle the

problem but not what their rights were (39%), followed by those who claimed they would know what their rights were but not how to handle the problem (22.1%). 16.4 per cent indicated they would be confident both in their rights and their knowledge of how to handle the problem. 7.7 per cent of respondents claimed that they were 'unsure' of their confidence level and another 14.4 per cent claimed that they would not know what to do.

Differences between the responses of those in the housing group and those in the employment group were more obvious with respect to those who reported knowing how to handle the problem but not what their rights were, with 43.8 per cent of respondents in the employment group indicating this compared to 34 per cent in the housing group. Slightly more individuals in the employment group claimed that they would not know what to do if they were the protagonist (16.2%) compared to the housing group (12.6%) and a larger proportion of respondents were unsure of their problem handling capabilities in the housing group (11.7%) compared to the employment group (3.8%). All other differences between groups according to problem type were small.

Law students were more confident of how to handle the problem but not what their rights were (50% v. 44.3% for other university students and 29.7% for school students). A much lower proportion of university (other) students claimed to be confident of their rights but not of how to handle the problem (16.5% for other university students v. 28.9% v. for law students and 24.2% for school students). Law students least often professed that they 'would not know what to do if they were Alisha' at a rate of 2.6 per cent compared to 16.5 per cent for university (other) students and 17.6 per cent for school students. There were no other notable differences between respondents on the basis of their activity type.

After using the Internet, respondents were asked again to rate their confidence level, this time indicating the extent to which they would be confident in resolving a problem like Alisha's without assistance from others. This question was aimed at determining the extent to which the Internet promoted independent problem handling capacity. Figure 17 highlights these responses.



**Figure 17.** Respondents' confidence in handling the protagonist's problem alone

As shown in Figure 17, most respondents (45.7%) indicated that they would feel 'not very confident' handling the problem by themselves. This was followed by those stating that they would be 'quite confident' at a rate of 38 per cent. Relatively few respondents indicated that they would be 'very confident' handling the problem' (4.3%). There was little difference in terms of reported confidence handling the problem alone when looking at the employment group and housing group separately. However, the level at which the two groups reported being 'not at all confident' did differ, with this response more common among those in the employment group (12.4%) than those in the housing group (5.8%). Differences in confidence level reported by university (law), university (other) and school students were not marked, with the exception of university (law) students who more commonly professed to be 'quite confident' than the other student groups (57.9% for university (law) students, 31.7% for university (other) and 36.5% for school students). University (other) students more often professed to be 'not very confident' than both University (law) students (34.2%) and school students (44.7%) with 56.6 per cent reporting this. Interestingly, school students more often indicated that they were 'very confident', although again differences were small, with 4.7 per cent of school students stating this compared to 2.6 per cent of university (law) students and 3.8 per cent of university (other) students.

Differences in confidence between those who used a hint and those who did not use a hint/were not given a hint did exist. Those who were given a hint less often

reported high confidence. So 64.2 per cent of those using a hint reported being not very/not at all confident compared to 51.1 per cent of those not given a hint/not using a hint given.

#### 4.5.5 Personal Problem Handling Strategies

In the final part of the experiment, respondents were asked a series of questions aimed at determining how they would handle the hypothetical problem themselves, who they would discuss their problem with and the extent to which their problem resolution strategies would include use of the Internet.

**Table 38.** How respondents would handle the hypothetical problem and who they would discuss the problem with

	N	%
<b>What respondent would do about the problem</b>		
Try to handle the problem with the help of family/friends AND an advisor/representative	119	57.2
Try to handle the problem with help of an adviser/representative	43	20.7
Try to handle the problem with the help of family/friends	29	13.9
Try to handle the problem on my own	12	5.8
I would rather not say	2	1.0
Nothing	2	1.0
I'm unsure	1	0.5
<b>Who respondent would discuss problem with</b>		
One or Both of my Parents	131	62.9
Spouse/Partner/Boyfriend/Girlfriend	31	14.9
Friend	21	10.1
My brother/s or sister/s	12	5.8
Don't Know	4	1.9
Another Relative	3	1.4
Teacher	2	1.0
Lawyer/Legal Advisor	2	1.0
Flatmates/others in my house	1	0.5
Other	1	0.5

As can be seen in Table 38, the majority of respondents (57.2%) indicated that they would try to handle the problem with the help of family/friend and an advisor/representative, this was followed by those who indicated that they would try and handle the problem with just the help of an advisor/representative (20.7%).

Fewer responded that they would try to handle the problem with the help of family/friends (13.9%), and fewer still indicated that they would attempt to handle the problem on their own (5.8%). Only two respondents suggested that they would do nothing about the problem (1%).

In relation to who the respondent would discuss the problem with first, the majority of respondents (62.9%) indicated that they would speak to one or both of their parents about the problem. With 28.9 per cent of the group speaking to both parents, 21.8 per cent speaking to their mother and 12.5 per cent speaking to their father. 14.9 per cent of respondents stated that they would speak to their spouse/partner/boyfriend/girlfriend first. Seeking professional advice before speaking to family/friends was very uncommon with only two respondents indicating that they would speak to a legal advisor/lawyer first (1%). With more than two thirds of respondents indicating they would turn to their parents (either individually or jointly), results highlight a clear dependence on parental support.

Differences between the responses of those in the employment group and those in the housing group were not pronounced with the exception of those who indicated that they would try to handle the problem with the help of family/friends and an advisor/representative - a response more common among those facing the housing law problem than those facing the employment problem (61.2% v. 53.3%). Conversely, those in the employment group were slightly more inclined to handle the problem themselves without assistance than those in the housing group (8.6% v. 2.9%). This was also the case in respect of where respondents would go for advice, for the most part responses did not vary between those in the housing group and those in the employment group. However, those in the employment group more often indicated that they would turn to their spouse/partner/boyfriend/girlfriend for advice than those in the housing group (19.1% compared to 10.7%) whereas those in the housing group demonstrated a greater tendency to seek help from their mother than those in the employment group (18.1% compared to 25.2%).

In terms of whether those studying at different levels demonstrated alternative preferences, Law students indicated that they would seek advice solely from an advisor/representative slightly more often than the other students (26.3% compared to 16.5% for university (other) students and 22% for school students). University (other) students also more commonly reported that they would seek advice from family/friends and an advisor/representative than other students (69.6% compared to

50% for university (law) students and 49.5% for school students. There were also few differences between the groups in terms of who they would speak to about the problem first. University (law) students and university (other) students reported that they would speak to a spouse/partner/boyfriend/girlfriend more often than school students (21.1% for university (law) students and 20.3% for university (other) students compared to 7.7% for school students). Those who said that they would speak to a teacher about the problem first were both school students.

Individuals were also asked to provide justification for their choice of confidant and given an open-ended format in which to do so. The responses given did not vary substantially with most respondents indicating that their choice was based on the person being someone who could provide emotional or practical support, someone they trusted, or someone they felt would have experience dealing with the issue. In some cases individuals relied on their confidant's ability to deal with the problem on their behalf, one individual explained that she chose her mother because '...she would probably not mind ringing them up and giving them a piece of her mind...' Where individuals chose a brother or sister, another relative or a friend to confide in, this was often because this individual was a lawyer, studying law or had legal experience. Occasionally individuals chose to confide in friends because they were non-judgmental, this included one respondent who was living in temporary accommodation with his sister who reported that he would speak with a friend about the problem as 'they would be understanding and unlike my family, not awkward'. Of the three respondents living in temporary accommodation, all indicated that they would confide in someone other than their parents, with one confiding in a sibling and another choosing to confide in another relative. In some cases the choice to confide in someone other than the individual's parents was a direct effort to avoid concerning their parents. One individual suggested a hierarchy of confidants, stating that 'I would want to discuss it with a friend first and try to solve the problem before involving my parents'.

Looking at the extent to which use of the Internet would feature in the respondents' problem solving strategies, respondents were also asked whether they would use the Internet to resolve the problem and if so, what they would use it for. Out of 208 respondents, only 8 indicated that they would not use the Internet. Seven of these respondents were school students and one was a student studying something other than law at university. Three indicated that they would not use the Internet

because they would not trust they were getting the right information. Four indicated that they didn't think it would solve the problem. Three reported that they would rather speak to someone face to face, one respondent in the housing group believed that the problem was too difficult to resolve using the Internet and another individual indicated that they would not use the Internet because they found it difficult to use. None of the respondents stated that they would not use the Internet because they did not have sufficient access to it, or sufficient private access to it. For the remaining 200 respondents who indicated that they would use the Internet, Table 39 highlights what they would intend to use it for.

**Table 39.** What respondents would use the Internet for if faced with a similar problem

	Yes		No	
	N	%	N	%
Obtain information about my rights	184	88.5	24	11.5
Help me find an advisor to see face to face	112	53.9	96	46.2
Help me find an advisor to phone	98	47.2	110	52.9
Help me find an advisor to email	82	39.4	126	60.6
Other	5	2.4	203	97.6

As can be seen in Table 39, most respondents would use the Internet to obtain information about their rights, with 88.5 per cent of respondents stating this. Almost half of respondents reported that they would use the Internet to help them find an advisor to see face-to-face (53.9%), with a similar number indicating that they would seek an advisor to phone (47.2%). Less reported an intention to use the Internet to find an advisor to email (39.4%). Other intentions were offered by 2.4 per cent of respondents. These included one respondent who said they would use the Internet to contact friends to speak about the problem. Another indicated that they would use the Internet to contact the landlord and prove his rights in writing. Three respondents elaborated on the use of the Internet for information seeking, indicating that they would use the Internet to 'find advice published online', 'find previous cases from media coverage to see the outcome' and 'see what other people have done in the same situation'.

There were some differences among respondents' intended use of the Internet depending on whether they were a school, university (law) or university (other)

student. School students were less inclined to use the Internet for the purpose of finding out information about their rights with 78 per cent indicating they would do so, compared to 97.4 per cent of law students and 96.2 per cent of university (other) students. School students were more inclined to use the Internet to seek an advisor to see face to face with 48.4 per cent reporting this compared to 60.5 per cent of law students and 57 per cent of university (other) students. University (other) students indicated greater preference for using the Internet as a telephone directory with 58.2 per cent stating they would use the Internet to find an advisor to phone compared to 42.9 per cent of school students and 34.2 per cent of university (law) students. University (other) students were also more inclined towards the Internet as a tool to find an advisor to email with 46.8 per cent reporting this compared to 34.1 per cent of school students and 36.8 per cent of law students.

## **4.6 Discussion**

### **4.6.1 Summary of Results**

#### *4.6.1.1 Access to and Use of the Internet*

The sample were characterised mainly as broad/narrow users of the Internet according to Ofcom's typologies. Compared to the CSJSP sample where 61 per cent of respondents had broadband access to the Internet at home, the experiment sample had a much higher rate of home access at 94.7 per cent (on a personal computer or a shared computer).

Individuals most often used the Internet for social networking (81.7%), finding information (81.3%), emailing (78.4%), streaming media content (74.0%) and reading news/current affairs (68.3%). Most claimed to be 'very good/excellent' at using the Internet (47.8%) or 'good' (41.1%) at using it. Respondents also tended to have faith in the reliability of material obtained online with nearly two thirds of respondents believing that 'most' or 'about half' of the information found online was reliable (39.4% and 36.1% respectively). Individuals commonly reported spending 2-3 hours on the Internet per day (30.3%) with 22.1 per cent reporting spending 1-2 hours and 21.2 per cent reporting they spent 4-5 hours online. 17.8 per cent of respondents indicated that they spent longer than 5 hours online.

#### 4.6.1.2 *Searching the Internet*

The mean time spent was 11:46 minutes (Min=<1:00, Max=43:00, SD=7:56 minutes). Mean time taken to reach a relevant website was 1:46 minutes (SD=3:59) with 24 respondents never reaching a relevant website. Neither hint nor problem type significantly influenced the amount of time individuals spent online. The mean time spent online by participants was close to the range of time most commonly spent online by CSJPS respondents who used the Internet to assist them in resolving a civil justice problem (Mean=9.65, SD=14.47).

When it came to using the Internet for the purpose of finding the answers to the rights questions, the number and types of searches varied. Some individuals navigated directly to a website (usually the hint website). Mean number of searches conducted was 4 (SD=2.9). There was a difference of just over 1.5 in the mean number of searches undertaken by those in the Hint group compared to those in the non-Hint group (3.2 versus 4.7). Mean number of searches (4) did not differ between those in the employment and housing groups.

Differences in the total number of searches undertaken by participants depending on their activity type were small, albeit with a larger gap between the mean searches undertaken by university (law) and university (other) students (4.5 searches for law students, 3.6 for ‘other’ university students and 4 for school students). Those with the employment problem undertook more simple searches (Mean =1.4, SD =1.7) than those with the housing problem who more commonly undertook question-based searches (Mean 2, SD = 3.1). Respondents studying law at university undertook a greater number of ‘specific’ searches (Mean 1.8, SD =2.5) compared to university (other) and school students. School students and university (other) students tended towards question based searches.

The term ‘UK’ was applied to less than a quarter of searches undertaken (22.5%). Respondents were wary of advertised links provided in search engine results with only 2.8 per cent of respondents following advertised links. No respondent went beyond the first page of search results, instead opting to refine search terms to yield different results. Most respondents (85.6%) did not use search engines within the websites they visited.

Respondents typically searched for information in a consecutive manner, searching on terms related to each question in turn, although individuals did not

always search for information in relation to all of the questions. For both scenarios, searching appeared to be a case of trial and error, with seemingly little thought given to the development of search terms that might yield the best results. For the most part individuals did not search on legal terms, tending to waiver between very broad search terms likely to lead them to websites with a large amount of (potentially irrelevant) content and question based search terms, so specific that the likelihood of obtaining results was substantially diminished. Search terms occasionally belied a respondent's misperception of the critical issues at play in the hypothetical and this was more common in relation to the housing hypothetical.

Law students were more likely to exercise existing legal knowledge to formulate searches. Law students also tended to search for legislation governing the dispute more than other respondents. This was not the case with respect to the employment problem where a number of university (other) students searched specifically on the terms 'EU Working Time Directive'.

For both the housing and employment questions, respondents used a variety of heuristics to speed up their searching, for some respondents this included cutting and pasting the questions asked, directly into the search engine text box.

Analysis of search terms used indicated that some young people were not familiar with how search engines operated, as evidenced by the fact that where initial search terms failed, users were more likely to change the order of words or remove connectors (both of which are redundant to search engines), rather than use synonyms. For the employment problem, examples of question based searches included, 'Do you legally have to work contract hours', 'do you have to meet working hours in job contract' and for the housing problem, they included, 'can landlord enter without permission', 'can a landlord evict you for not paying rent'. Examples demonstrated the tendency of respondents to hone in on the questions in quite narrow terms, limiting the likelihood that mainstream online resources would meet their search terms.

#### *4.6.1.3 Webpages Used and Errors Made*

Respondents visited on average 9 webpages (Min=0, Max=37, SD=5.9). University (law) students visited the most number of webpages (Mean=12.9, SD=7) compared to university (other) students (Mean=10, SD=5.3), school students (Mean=6.8, SD=

4.6) and those in training/employment (Mean=12.2, SD=7.3). There was a difference of 1 webpage between those in the employment group and those in the housing group (for employment Mean=9.8, SD=5.5 and housing Mean=8.8, SD=6.2). According to Nichols et al's (2007) classifications, school students and university (other) students were on average 'moderately engaged', whilst university (law) and those in employment/training were on average, 'engaged' users.

The use of commercial websites was most common with 51.5 per cent of respondents visiting one or more commercial website during their Internet search. Approximately a third of respondents (29.5%) visited the direct.gov.uk website and a quarter visited the gov.uk websites (22.5%). As direct.gov.uk underwent transition to Gov.uk during the course of the experiment, taken collectively 52 per cent of respondents went to the government's main website during the course of their search which put the government's website only slightly ahead of commercial websites. Adviceguide.org.uk proved slightly more popular than Shelter with 39 per cent of respondents using it compared to Shelter's 27.5 per cent. Of course adviceguide.org.uk provides advice on both housing and employment problems, whereas shelter.org.uk provides advice only on housing problems.

35.5 per cent of participants tended to browse through websites, with 44.2 per cent of participants avoiding this technique in favour of using their search engine as a directory, going in and out of websites and conducting a number of searches rather than taking one resource and reading through it fully. 8.6 per cent engaged in behaviour that was indicative of both dipping in and out of search engines and reading and clicking through content on websites.

Results demonstrated a number of errors made in the process of searching, with 19.6 per cent of respondents visiting one or more webpage that contained irrelevant content, and 41.5 per cent of respondents visiting one or more webpage that contained information relevant to another jurisdiction. School respondents were statistically more likely to navigate to webpages that contained irrelevant content or providing information pertaining to another jurisdiction.

There was a clear difference in the extent to which individuals identified the hint website as useful based on whether they had been directed to it or not. For those using a hint, approximately 50 per cent went on to name the hint website as one which they had found useful. For the employment problem, the rate at which the AdviceGuide website was identified as useful by those in the non-hint group was

less than half of that reported by those in the hint group (12% versus 50%), with the same being true of the housing group (12.5% versus 52.8%).

#### 4.6.1.4 *Knowledge of Rights*

In terms of the respondents' existing knowledge of rights, the mean for housing was slightly higher at 3.4 (SD=1.4) than the mean for the employment at 3.3 (SD=1.3). Having used the Internet, the mean scores rose for both groups, although mean scores were higher for the employment questions at 4.8 (SD=1.2) than for the housing questions at 4.6 (SD=1.2). Overall, 49.5 per cent of the cohort obtained a score of 3 or less out of 6 questions correct, that is, less than/equal to what probability predicts their score would be if they simply guessed the answers to the questions. Use of a 'hint' website was not associated with a statistically significant increase in scores post-Internet use. However, school students less often improved their scores compared to university students and other training/education students (52% of school students increased their score, compared to 80.6% university (law) students, 83.5% university (other) students and 83.3% other education/training respondents).

A binary logistic regression model used to predict score improvement on the basis of a range of respondent characteristics highlighted that university (law), university (other) and training/employment respondents were associated with an increased probability of achieving an improved score compared to the reference category (school students). For university students this increase was statistically significant. No other respondent characteristics (ethnicity, Internet user type, gender) were associated with a statistically significant change in the probability of score improvement.

A binary logistic regression model failed to highlight any significant association between score improvement and a respondent's search behaviour. Whether or not an individual used 'UK' in their search terms appeared to have the most impact in increasing the probability of score improvement, this fell just short of statistical significance. The length of time spent online came close to significance yet the actual impact it contributed to increasing probability was minor.

A binary logistic regression model used to predict improvement on the employment hypothetical based on (common) website use and visitation of webpages with content that was irrelevant/intended for another jurisdiction, found that whilst visitation of webpages with content that was irrelevant/intended for another jurisdiction was associated with a decreased probability of score improvement, neither factor was statistically significant. However, whether or not respondents in the employment group visited the direct.gov website was found to be a strong predictor of score success at a statistically significant level. In percentage terms, the model predicted that an individual given the employment problem who went to the directgov.uk website would have a 91.4 per cent chance of score improvement compared to a 56.5 per cent chance of improvement for an individual who went to the Adviceguide.org.uk website.

A similar model, when applied to predict the probability of score improvement on the housing hypothetical, failed to show an association between visiting webpages with content that was irrelevant/intended for another jurisdiction. However, visiting the shelter.org.uk website was associated with an increased probability of score improvement. The model predicted that an individual given the housing problem who went to the shelter.org.uk website would have a 75.8 per cent chance of score improvement compared to an individual who went to, for example, the gov.uk website who would have had a 66.6 per cent chance of improvement.

#### *4.6.1.5 Perceptions of the Internet*

83.7 per cent of respondents felt that using the Internet helped them to answer the rights based questions. 3.9 per cent felt that the Internet did not help them answer the questions and 12.5 per cent felt that use of the Internet made no difference. Those who felt that the Internet was either not useful or made no difference were more commonly those who were not given a hint/did not use the hint given and those who were in school.

There was some disparity between respondent's perceptions of the Internet's use and its actual effect on the respondent's score. Those who were not given a hint/didn't use a hint more often claimed that the Internet was not helpful when in fact they experienced score improvement. Conversely those who believed the Internet was helpful but whose scores did not actually improve were more often

those who used a hint. School students appeared to be the worst at accurately perceiving the usefulness of the Internet tending to believe that using the Internet improved their scores when it did not.

#### *4.6.1.6 Enforcement of Rights*

Before using the Internet, respondents tended towards suggesting the protagonist seek legal advice with 48.3 per cent of respondents in the employment group and 33.3 per cent of respondents in the housing group suggesting this course of action prior to using the Internet. This was a suggestion made more commonly by law students than other students (52.1% for law students compared to 42.3% for other university students and 30.4% for school students). Relatively few suggested that Alisha should try and ascertain information about her legal position herself (11.9% for employment and 4.8% for housing). Negotiating with either the protagonist's boss or the protagonist's landlord was also a relatively infrequent suggestion (8.5% in the employment group and 13.5% in the housing group, with similar number of respondents professing that they did not know what the protagonist should do (9.3% for employment, 11.1% for housing). School students more often indicated that they 'didn't know' what Alisha should do (18.5% compared to 5.2% for university (other) students and 6.3% for university law students). There was a tendency for individuals to misperceive the severity of the problem Alisha was facing. The vast majority of respondents in the housing problem suggested a course of action that did not factor in the time-sensitivity of the protagonist's problem, nor her impending homelessness.

The rate at which respondents suggested Alisha should get legal advice dropped considerably after having used the Internet with 27.1 per cent in the employment group and 30.5 per cent in the housing group recommending this course of action. Following Internet use there was a shift in respect of the employment problem, from recommending obtaining legal advice to recommending Alisha negotiate with her employer or seek additional justification for her dismissal (up to 20.7% from 8.5%). In both groups, a greater number of suggestions to take legal action (not legal advice) were made following Internet use (39.3% for employment and 9.2% for housing). For the employment group, these suggestions were predominately aimed at taking steps to formalise a complaint internally before

pursuing tribunal action. Suggestions made by those in the housing group were orientated around challenging the Landlord's court order. Interestingly, those in the housing group less often suggested Alisha call the police after Internet use (24.8% after using the Internet v. 29.4% before using it). In relation to both the employment and the housing problem, there was a decrease in the number of respondents claiming that they 'didn't know' what action the protagonist should take following use of the Internet. The rate at which law students suggested seeking legal advice also dropped following Internet use to a level comparable to that of the other groups (28.6% compared to 28.3% for university [other] students and 30.9% for school students). In short, use of the Internet brought about an inconsistent change in respondent's strategy. For some, the Internet enabled them to obtain greater clarity about the rights of the protagonist but this clarity did not always translate into a better understanding of how the protagonist should handle the matter.

Prior to using the Internet, respondents in the employment group most commonly recommended the protagonist seek advice from a Citizen's Advice Bureau (26.3%) or a lawyer/solicitor (24.8%). Suggestions for non-professional sources of advice including obtaining advice from family or friends were uncommon (2.3% of suggestions made). Following Internet use, suggestions to seek help from the CAB rose among those in the employment group (30.4%). Suggestions to seek advice from a lawyer/solicitor fell to 16.2 per cent. The number of respondents indicating that they 'didn't know' where the protagonist should seek advice fell from 11.3 per cent to 1.2 per cent. 'Other' suggestions (11.6%) were of mixed appropriateness.

As was the case for the employment group, prior to using the Internet, those in the housing group most commonly suggested seeking advice from a CAB (32.1%) followed by a lawyer/solicitor (27%). Again, for the housing group suggesting advice from family/friends was uncommon (2.2%). After using the Internet, those in the housing group suggested seeking advice from the CAB less often (23.6% down from 32.1%) with a corresponding increase in the number of respondents suggesting Alisha seek advice from Shelter (up to 13.7% from 2.2%). This was more common among those using the hint (25% v. 8.6%) conversely those in the no hint/hint not used group more often suggested the CAB as a source of advice. As was the case for the employment group, recommendations to seek advice from a lawyer/solicitor also decreased after Internet use (down to 20.9% from 27%). As was also the case in the

employment group, there was a decrease in the number suggesting that they didn't know where Alisha could seek advice (8% down to 1.7%). 'Other' suggestions increased after using the Internet (17%). However the quality of suggestions made did not always improve.

Prior to using the Internet, respondents were asked how confident they would be in handling a problem like the protagonist's. Most respondents indicated that they would know how to handle the problem but not what their rights were (38.9%), followed by those who claimed they would know what their rights were but not how to handle the problem (22.1%). 16.4 per cent indicated they would be confident both in their rights and their knowledge of how to handle the problem. Law students were more confident of how to handle the problem but not what their rights were (50% v. 44.3% for other university students and 29.7% for school students).

When asked (after using the Internet) whether respondents would be confident solving a similar problem, most (45.7%) indicated they would be 'not very confident' handling the problem alone. 38 per cent stated that they would be 'quite confident' and relatively few respondents indicated that they would be 'very confident' (4.3%). There was little difference in terms of reported confidence when looking at the employment group and housing group separately although being 'not at all confident' was more common among those in the employment group (12.4%) than those in the housing group (5.8%). Differences in confidence level reported by university (law), university (other) and school students were not marked, with the exception of university (law) students who again more commonly professed to be 'quite confident' than the other student groups. 64.2 per cent of those using a hint reported being not very/not at all confident compared to 51.1 per cent of those not given a hint/not using a hint given.

#### *4.6.1.7 Personal Problem Solving Strategies*

When it came to how respondents would handle a similar problem, the majority (57.2%) indicated that they would try to handle the problem with the help of family/friend and an advisor/representative, followed by those who indicated they would try and handle the problem with just the help of an advisor/representative (20.7%). Fewer responded that they would try to handle the problem with just the

help of family/friends (13.9%), and fewer still indicated that they would attempt to handle the problem on their own (5.8%). Only two respondents suggested that they would do nothing about the problem (0.96%).

In resolving their problem, most respondents indicated that they would first speak to one or more of their parents (63.2%), 14.9 per cent of respondents stated that they would speak to their spouse/partner/boyfriend/girlfriend. Seeking professional advice before speaking to family/friends was very uncommon. Those in the employment group more often indicated that they would turn to their spouse/partner/boyfriend/girlfriend for advice than those in the housing group (19.1% v. 10.7%) whereas those in the housing group demonstrated a greater tendency to seek help from their mother than those in the employment group (18.1% v. 25.2%). University (law) students and University (other) students reported that they would speak to a spouse/partner/boyfriend/girlfriend more often than school students (21.1% for university (law) students, 20.3% for University (other) students and 7.7% for School students).

Most respondents justified their choice based on the person being someone who could provide emotional or practical support, someone they trusted, or someone they felt would have experience dealing with the issue. In some cases individuals relied on their confidant's ability to deal with the problem on their behalf. Where individuals chose a sibling or other relative or a friend to confide in, this was often because this individual was a lawyer, studying law or had legal experience. Individuals who favored speaking to a friend first often did so to avoid the judgment or concern of their family.

Out of 208 respondents, only 8 indicated that they would not use the Internet to assist them in resolving a similar problem. A lack of access did not feature in any of the respondents' justifications for non-use.

For those who said that they would use the Internet (n=200), 88.5 per cent of respondents said they would use it to find information about their rights. 53.9 per cent said they would use the Internet to help them find an advisor to see face-to-face (53.9%), with 47.1 per cent indicating that they would seek an advisor to phone (47.1%).

#### 4.6.2 The First and Second Digital Divide

Over the last decade issues around Internet access have taken a backseat to issues associated with Internet use. As illustrated by this study, respondents had a high degree of access to the Internet and used it for a wide range of purposes. In keeping with the hypothesis proposed, most individuals were classified as ‘Medium’ users of the Internet as per Ofcom typologies. As such, these results highlight, as per Hargiatti’s work in 2002, that issues surrounding the first digital divide are subsiding as Internet access increases.

As a measure of effort, the length of time respondents spent online was comparable to the length of time spent by CSJPS respondents who used the Internet to resolve their ‘civil justice problems’. Notwithstanding this, the length of time was relatively short and with a mean of approximately 11 minutes, this suggests a small window of opportunity for individuals to arrive at reliable resources. The fact that time was associated with score improvement (even though it fell short of statistical significance) suggests, perhaps unsurprisingly that the longer individuals spend online the greater chance they have of searching success. With an average of 4 searches per session, the results from this study are in keeping with those detailed by Spink et al (2000) who found a similar mean number of searches (4.86) when looking at ordinary searching sessions undertaken by the public and recorded in the transaction logs of the Excite search engine.

Individuals in the study were dealing with a hypothetical situation and this must of course be taken into account when assessing the length of time spent online. Applying Nicholas et al’s (2007) classifications, there is evidence that some respondents were more engaged in the process of information-seeking than others, with users classified as either ‘moderately engaged’ or ‘engaged’ on the basis of their webpage viewing.

As was found by Rose and Levinson (2004) and Bilal and Kirby (2002) and as was hypothesised in this study, it was found that respondents were heavily reliant on search engines to direct them to relevant information. In some cases individuals even used search engines to navigate the hint website rather than browsing within the website itself. That said, they tended to avoid the use of search engines within websites.

As per the second hypothesis proposed on the basis of findings emerging in the work of Wallace and Kuperman (1997 as cited by Bilal 2000), there was evidence of respondents preferring fact-finding in favour of ‘browsing’, however there were some differences according to student type. While university (law) students tended towards directed (open-ended) searches, other respondents tended towards directed (closed-ended) searches – i.e. question based searches. Accordingly, their behaviour was indicative of an attempt to find information to specifically answer factual questions rather than to obtain more general material, which they could browse to extract an answer. The difference in approach taken by university (law) and the other participants may reflect respondents’ confidence/knowledge in the subject-matter (Rose and Levison 2004). Law students may have been more confident in gathering a large amount of information and assessing the content, whereas other respondents may have been seeking specific answers, in part due to their lack of familiarity with the subject area.

Of course, ‘fact-finding’ may also be a function of convenience, since obtaining the answers directly is more efficient than searching for answers within large amounts of text. This would be in keeping with the findings of Connaway et al (2011) who note that if information is not convenient young people will not go after it. This would not explain why university (law) students did not tend towards ‘efficient’ approaches. This may be due to the fact that the formulation of question-based terms may not always lead users to the best content, university (law) students might have been more aware of the perils of obtaining information from non-official sources, noting that university (law) students tended towards more official sources of advice (government, third sector) and less often sought advice from unreliable sources, including overseas jurisdictions.

Connaway et al.’s (2011) finding that motivation to look for information on any one issue may be limited only to the point at which the effort required to obtain the information outweighs the importance of solving the problem, does appear to correspond to patterns of behaviour among participants in this experiment. In this case the theory might be extended to reflect that fact that when it comes to online searching, young people are looking for information which is both easy to find *and* easy to understand and apply to their particular problem. This is supported by the fact that individuals not only used question/answer-based websites (e.g. Yahoo Answers and e-How) but also specifically noted the usefulness of some of these

websites. This was less true of university (law) students who are potentially more accustomed to searching through large amounts of information some of which will be in legal language. In some cases university (law) students actually gravitated towards information that would have been quite challenging to understand, including legislation.

As was the case in Puustinen and Rouet's (2009) research (and that of Bilal and Kirby 2002, Spink et al 2000, Dinet et al. 2004), findings from the current study support the hypothesis that users often have trouble generating an appropriate set of key words when using search engines and there was little evidence of synonym use on initial search failure. There were instances where this was the case for all search formats - simple, specific and question based. Whilst Landauer's (1992) study fails to have the same relevance it once did given developments in search engines, it remains that not a single search undertaken by participants involved a Boolean expression. Where individuals' initial searches failed to yield useful results, they often reformulated queries by changing word order, or shortening or lengthening queries, rather than by considering alternative words that could be used to express their informational needs.

With the exception of the minority who correctly understood the legal issue at the heart of the hypotheticals (unfair dismissal and illegal eviction) respondents search terms did not belie an understanding/characterisation of the problem as legal, as evidenced by the relatively rare use of terms such as 'legal' and 'law' in search phrasing. As was hypothesised and as was also found by Zhang (2008) and Marchionini (1989) individuals commonly extracted terms directly from the hypothetical questions to use in their searches. This may have been a matter of convenience but could also suggest a lack of contextual understanding of the issues (and characterisation of the problems as legal – as per Pleasence et al. 2010b, 2011). As Spink and Cole (2001) explain, problem solving generally starts with a sense of contextual coherence surrounding the issue – a coherence which may have been lacking in this instance. Whilst the characterisation of a problem as legal may not act as a precursor to searching online, it nonetheless remains a point to bear in mind particularly in respect of the type of information an individual may be looking for when searching online and the impact this will have on the wording used in the design of website text. It would be interesting to know how individuals might formulate search terms in the absence of textual cues. While law students are likely

to have a better grasp of the contextual nature of these problems and although they more often used ‘specific’ search terms, these search terms did not necessarily contain more ‘legalese’ than those of the other participants.

#### **4.6.3 Use of Websites**

While the use of question based search terms may well have been a reflection of dependence on textual cues, in the absence of contextual understanding of the laws the hypothetical scenario engaged, use of question-based search terms also led to ‘answer-oriented’ information. Respondents’ valued personal experiences of similar problems/solutions posted on Yahoo Answers or a range of discussion boards. This may be because it helped them better contextualise information, perhaps because the language used was more familiar or perhaps it was simply a less effort-intensive method of finding out answers to the question. Giddings and Robertson (2003) note that where the law being addressed is complex, taking a basic message and adding exceptions and qualifications to it, makes the process of applying the law far more difficult. It is possible that respondents who tended towards question-based search results were attempting to circumvent the need to apply information found in other contexts (e.g. the AdviceGuide or Shelter websites) to the question at hand and instead find webpages where the legal information was already contextualised. This would explain why some respondents sought information from discussion boards where individuals had posted existing questions. There is also evidence to suggest that individuals often rely on social tools such as discussion boards to confirm the credibility of the information they have obtained from other sources, or their pre-existing beliefs (Metzger et al. 2010). In this way, discussions boards may act as a peer review system, ensuring that others share existing beliefs and that the appropriate action to take has already been ‘tested’ by someone. Of course, this is some cause for concern given that there is no guarantee that these other users will have an accurate grasp of the law, or of the appropriate action to take.

Given the plethora of information available online, as Tapscott (1996) notes, the ability to seek and evaluate search results is a key requirement for Internet users with specific information-finding goals. The ability of individuals to discern between relevant and irrelevant content and reliable and unreliable content was not evenly

shared among all participants in this study. As was the case for Brand-Greuwel et al (2009), findings from this study demonstrated that many individuals failed to recognise the jurisdictional relevance of websites. That this was more common among the youngest age group (school students) suggests that it may be a function of age or education level. Shenton and Dixon's (2004) research highlights that the formulation of key words and the ability to discriminate between multiple sources is an element of age-based cognitive development, which goes hand-in-hand with taught skills. The fact that being a school aged respondent was associated with a higher likelihood of acquiring information from another jurisdiction supports Shenton and Dixon's (2004) proposition that age related development may have a key role to play in the ability to discern the appropriateness of multiple sources of advice. This finding suggests a lack of awareness of an issue that for many people would appear quite obvious, implying lower levels of legal capability among younger respondents and posing some questions for the role of public legal education in the school curriculum.

As was also hypothesised, individuals did not always open websites based on a valid judgment of search results, (including the jurisdictional relevance of a page) and the source of the information was not always questioned. This resulted in a number of individuals procuring information from commercial websites such as 'e-how', 'answers.com' and discussion boards, in preference to more reliable government and third sector websites. That over 50 per cent of respondents sought advice from commercial websites is a potential cause for concern and use of commercial websites was associated with a decreased probability of achieving an improvement on the knowledge of rights questions (even in spite of this finding not reaching statistical significance). Although many of the cohort may have subsequently navigated away from these sites, the fact that they arrived at these websites reinforces the findings discussed by Brand-Greuwel et al in 2009.

Not one of the respondents sought to obtain more information about the organisation or individual behind the resource provided by going to the 'About Us' section of websites, the same finding arrived at by Eysenbach and Kohler (2002). Given the levels of confidence the cohort had in the reliability of information obtained online (with 42.3% indicating that most/all information online was reliable) users appear to be taking the reliability of information they obtain for granted. This may not be a conscious process. Perry's (1970) 'Scheme of Student Development',

suggests that young people transition through a developmental process which means they either seek out authorities, or view all information sources as equal. The point at which a young person sits on the spectrum, equates to the sophistication of their critical thinking processes. The fact that young people (notably the youngest school aged respondents) more commonly used less reputable (experiential) sources of advice, suggests that age may well play a role in this behaviour.

#### **4.6.4 Internet Use and Knowledge of Rights**

Denvir et al's research conducted in 2011 using data drawn from the English and Welsh Civil and Social Justice Survey found that young people were less likely to achieve their goals when using the Internet to obtain information about their rights or information to help solve their 'legal problem' (Denvir et al. 2011). Of course, the authors were not able to control for the fact that the information respondents desired may not have been available online. All of the information required to answer the questions posed to respondents in this experiment was available online both at the hint websites and at a number of other reputable resources. Nevertheless, the fact that most individuals were unable to correctly answer to all six questions, even with the help of the Internet, highlights the some of the limitations associated with the Internet as an information resource. Although certain authors (notably Susskind 2008) have been keen to see the Internet's potential in legal services as boundless, findings from this research highlight that the more pressing concern is the capacity of individuals to interact with the Internet and to derive what it is that they need from it. Findings from this study reaffirm the conclusions reached in Denvir et al's (2011) study, which found that younger people struggled to meet their objectives when using the Internet. Of course, it may also be the case that the public's information-seeking capacity has been diminished by the Internet rather than improved by it. At least one author (Carr 2008 (contested by Anderson and Rainie 2010)) has proposed that the Internet has diminished the public's capacity to search for information, shortening attention spans and encouraging skimming and a lack of deep engagement with material. When coupled with the relatively short amount of time individuals spent online vis-a-vie the number of webpages they visited, there is

certainly the implication that participants were often churning through web pages, even if according to Nicholas et al's (2007) classifications, they were 'engaged'.

In spite of the fact that the cohort failed to routinely achieve full marks, as proposed by the hypothesis, respondents did improve their knowledge scores following Internet use. This improvement varied among respondents, with school students less likely to improve their scores following Internet use and those using the direct.gov.uk and shelter.org.uk websites more likely to experience improved scores following Internet use. It is however, somewhat surprising given findings in Chapter 5 that both the nature of search query formats and the types of websites viewed by respondents did not have more of a role in predicting an increase in score results. This may be explained by the fact that even though individuals often chose to seek information from lesser quality websites, these sites were often only one among many visited. It was relatively rare for individuals to only seek advice from, for example, commercial websites.

Those who went to the hint website (i.e. were given a hint and used it) tended to visit more webpages than those without a hint - most likely a reflection of the fact that once at the hint website, individuals spent more time searching through the site, unlike those without a hint who may have been more susceptible to flicking between sites in an attempt to find the right answer. Whilst the hint did not appear to have an impact upon score improvement, it did appear to influence website behaviour. Those provided with a hint were not only (for the most part) inclined to use it, they tended to use the hint in favour of other websites. Where they did seek information from other websites, less of this information was acquired from commercial websites. Accordingly, it could be said that whilst the provision of a hint will not necessarily improve an individual's willingness to thoroughly read the information contained on an advice website, it does appear to influence their browsing behaviour. Providing individuals with website cues promotes their avoidance of some of the pitfalls and errors they are more likely to encounter when left to search the Internet alone.

That the Internet led to imperfect improvement in knowledge of rights, reinforces our uncertainty as to how individuals come to acquire knowledge and understanding of the law. Previous commentators have made a number of suggestions as to the origins of legal capability, with Saunders (1975) suggesting a role for print and broadcast media and Barkun (1973) proposing a theory of legal socialisation. Yet there is no consensus as to which interventions are effective in

public legal education. Findings from this study suggest that as much as the Internet may offer benefits as a legal education tool it also offers a number of traps and pitfalls. This is true even for those who are regular users of the Internet as was the case with this cohort. It is clear that certain challenges arise for policy makers when issues of legal capability and technical capability collide.

#### **4.6.5 Perception and Reality**

The provision of the hint and respondents' subsequent behaviour are characteristic of a particular psychological tendency often used to the advantage of advertisers and described by Percy (2004) as 'suggestibility' - the tendency of individuals to relate something learned from outside experience to something personally experienced (Percy 2004). The fact that those who were provided with the hint more often perceived the Internet as useful (even when it was not) than those who were not provided with it, is, as was hypothesised, indicative of suggestibility. In this case, the prompt of 'this website may help you find the answers' (outside experience) may be responsible for the higher number of individuals believing that the hint website contributed to their improved score when it did not. This tendency may also be related to the 'transient' principle also described by Percy (2004) which posits that individuals tend to associate a brand with what they expect from it rather than what they actually gained from it. Of course information websites such as that of Shelter and AdviceGuide cannot escape the fact that a proportion of their audience may always incorrectly interpret information provided.

The fact that respondents did acquire knowledge during the course of the study, in some cases changing their existing answers, suggests that although certain beliefs about rights and entitlements may exist, these beliefs about the law are open to change. However, where the answers to certain questions ran contrary to what might be perceived as fair (notably question 3 for the housing problem and question 5 for the employment problem), there were fewer individuals answering these questions correctly following Internet use, compared to the other questions. Although it may be the case that information in relation to these questions was more difficult to acquire, there is no obvious evidence of this. It may be that certain beliefs are slightly more resistant to change (see e.g. Festinger 1957, Rogers 1983, Wilson

1997) and this would support the need for online resources to provide more explicit guidance for areas of law where the law would appear to deviate from the common perception of fairness. In the absence of a more thorough understanding of the specific laws individuals perceive to be unfair (outside of those explored in the context of this study) this will require some second guessing on behalf of service providers.

#### **4.6.6 The Gap between Knowledge and Action**

With the number of suggestions given by respondents as to what Alisha should do and where Alisha should seek help increasing after Internet use, the Internet did play a role in stimulating thinking around appropriate courses of action. It also appeared to increase respondents' awareness of various sources of advice and assistance. This was particularly true for those in the hint group who more frequently went on to recommend the hint organisation as a source of advice. Whilst the supply of the hint did not appear to improve knowledge, it may have at least provided respondents with a guide to action. The Internet did not however correct the assumptions of a number of respondents who continued to misperceive the role of various agencies. Furthermore, using the Internet did not appear to be associated with any greater recognition of the time sensitivity of the matter in respect of the housing problem and in fact appeared to obscure this issue. Whether this was due to the content individuals were viewing or their interpretation of it, remains a question for future research.

In respect of how respondents would deal with the problem themselves, the study highlighted a number of important points about the role of the Internet in advice seeking. The first of these was the finding that confidence handling a problem alone appeared relatively low after using the Internet, and when compared to respondents' confidence with respect to various aspects of the problem before using the Internet, appeared to diminish following Internet use, as was hypothesised. Although respondents were convinced that when faced with a similar problem they would use the Internet in order to obtain information about their rights or to contact an advisor (via phone/email), in handling the problem they indicated that they would more commonly obtain the help of an advisor (professional or non-professional). Very few respondents indicated that they would be comfortable attempting to handle

the problem themselves and this is in keeping with how young people behave when actually facing ‘civil justice problems’ (see e.g. Chapter 3, Pleasence et al 2011, Balmer 2013, Denvir et al 2012) and the help seeking strategy preferences expressed by young people more generally (Mann et al. 1989, Kenny 1986, Rickwood 1992<sup>36</sup> cited by Boldero and Fallon 1995).

Contrasting these results with those detailed in Chapter 3, highlights an interesting point. The CSJS/CSJPS asked respondents to reflect on the purpose for which the Internet was used, whereas respondents in this study were asked, having just used the Internet, whether they would use it for a similar task. As a result, the answers are not directly comparable. Nonetheless, CSJS/CSJPS respondents used the Internet to obtain information to help them solve the problem (i.e. rights and strategy based information) but were more successful in obtaining information to help them contact an advisor. While respondents in the present study also indicated that they would use the Internet to obtain information about their rights, a far greater number of respondents indicated that they would use the Internet to obtain the details of an advisor to contact (either face-to-face, by telephone or via email). Having used the Internet, it appeared that respondents in the present study were more inclined towards preliminary use of the Internet followed by offline (professional and non-professional) assistance.

A dichotomy seems to arise between on the one hand respondents’ unwillingness to handle the problem independently and on the other hand their willingness use the Internet to obtain information about their rights. It may be that individuals do not perceive the Internet as a ‘self-help’ tool, but rather a diagnostic tool used to classify a problem before signposting to offline sources of advice. Given the fact that individuals have been found to struggle with the characterisation of ‘civil justice problems’ as ‘legal’ (as shown by Pleasence et al 2010b, 2011) the Internet may offer a way for individuals to better understand the issue they are dealing with.

This role for the Internet as a diagnostic/signposting tool with a preference for offline sources of advice when action is needed, might be attributed to a number of factors. It may be because young people prefer to delegate their problems to a higher authority (e.g. a parent (FSA 2005)) or advisor); because they cannot find sufficient

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<sup>36</sup> Unpublished PhD Thesis, original source not viewed.

information online to help them deal with their problem; or because the information they found online led them to believe that they were ill-equip to handle the problem themselves. In respect of the latter possibility, this is supported by findings in the field of health as noted in Chapter 2, where Ybarr and Suman (2006) have found that those who did not understand the information they read online were 2.6 times more likely to seek support from others. It nonetheless remains that the Internet is not presently empowering individuals to resolve matters independently. Whether as a result of individual's perceptions, preferences or the nature of the content available online, the Internet has been consigned to a relatively small and preliminary part of the larger civil justice problem-solving process.

In respect of problem solving strategy in general, it was found that individuals would handle a problem similar to that of the protagonist with the help of family/friends and an advisor/representative. Here, strategy demonstrated that young people have a clear and ongoing reliance on the support of family members (notably parents) to provide guidance beyond their teenage years up into their mid-twenties, in keeping with the final hypothesis proposed and the research undertaken by a number of authors (e.g. FSA 2005, Kenny 1986, Wintre et al. 1989). While parents can offer an important form of practical, emotional and financial support, there is nothing to suggest that (in the absence of legal qualifications) parents are any better equipped to resolve a civil justice problem of this nature, although life experience may play a role in capacity building (as has been suggested in earlier research, see e.g. Denvir et al. 2012). Parental dependence also raises questions about the support structures (emotional and/or knowledge based) available to young people who are estranged or not in contact with their immediate family. For these individuals, a lack of support system may exacerbate the gap between knowledge and action.

#### **4.6.7 Policy Implications**

Findings have highlighted that the perceived usefulness of the Internet in the resolution of a 'legal problem' appears to be restricted to a relatively small role, helping individuals characterise or 'diagnose' their problem at the initial stage, in order to enable them to confirm that action is needed. For the most part this action involves seeking parental or professional advice from an offline source. Whilst the

Internet has the capacity to improve public understanding of the law, it does so imperfectly, making it a blunt instrument for legal capacity building.

There is a question mark over what role the Ministry of Justice sees for the internet in the future delivery of legal aid and the promotion of access to justice. Recent changes have introduced a great deal of uncertainty as to the direction of legal aid and the extent to which the Ministry of Justice sees itself as having a role to play in the provision of PLE and self-help content for those facing civil justice disputes. Nonetheless, although the Ministry of Justice does run the Online Legal Aid Service, it is not the only government department with a stake in online service provision. So, although the Cabinet Office is not responsible for access to justice matters they do provide relevant content on the gov.uk website. The same is true of the Department for Business, Innovation and Skills who provide funding for the Citizens' Advice Website. Despite not having responsibility for access to justice policy, these departments will still have an interest in ensuring that the online services they fund are informed and well-crafted. Many stakeholders in the third sector who are keen to widen digital access to justice as traditional forms of access diminish, no doubt express a similar interest.

The extent to which the Internet did not feature in the problem solving strategies of respondents, suggests that while the Internet may promote the obtainment of rights-based information, individuals are still reliant on third parties to translate this knowledge into action. Of course, this may be attributed to the nature of online content, in particular the lack of 'action orientated' information aimed at assisting the public to self-help (as was observed by Advice Now in 2006). For policy makers, there are two possible responses to this: the first is to accept the role of the Internet as a diagnostic tool and nothing more and to ensure that professional advice is available for young people when they need it. This course of action would support the preferences of participants in this study. It would also address the fact that on the basis of the findings from this study, there are many young people who appear to lack the capacity to self-help. However, we know that professional support to assist people to resolve their 'civil justice problems' is only set to diminish over the coming years. With what funding is left, policy makers will need to decide how best to address the legal needs of the population. Findings from the current study help illuminate some of the advantages and disadvantages of investing in online resources and some of the ways in which this investment can be maximised.

Nonetheless, it remains a matter for policy makers to decide whether or not online resources merit financial prioritisation over other support systems. One argument to support this view would be that the Internet offers scaleable services, but it does have its limits, as this research has shown; and while the Internet may continue to be used as a diagnostic tool, the availability of professional advice to compliment it is unlikely to increase. An alternative approach would be to develop online resources that not only strike an adequate balance between information on rights and information on strategy but which also convey content in a way that is easy for people (and not just young people) to understand. While the mere provision of information may change public perceptions as to the role that the Internet can play in problem-solving, this is not guaranteed and more intensive efforts to address public perceptions may be necessary.

For those interested in developing online legal resources, there are two challenges that must be overcome. The first is to ensure that individuals can find reputable resources online. The second is to ensure that the content of these resources reflect the type of content that individuals prefer.

As search engines such as Google continue to become more sophisticated and intuitive to users requests, it is expected that resources will become easier for users to find. One of the key issues arising in this study relates to the extent to which respondents to both the CSJPS and to this study perceive Google not just as a mechanism designed to provide pathways to Internet resources, but as the gatekeeper of the Internet itself (what Zhang 2008 would call the ‘process view’ of the Internet). Google’s ongoing development of the Hummingbird algorithm (designed to respond to question based searching, to take into account the user’s location, and eventually to detect (or presume) the context and intention of a user’s search from information stored about their existing search behaviour), may in fact mitigate some of the issues that arose in the course of this experiment. As the results of this study demonstrate, Google is ahead of the curve in changing its’ algorithm to handle longer question-based search requests. The pervasiveness of Google does however force policy-makers to comply if they hope to retain any presence in the first page of search result rankings and consequently the consciousness of Internet users. As discussed by Shanahan (2013), Google is already starting to prioritise question and answer based results. Yet question and answer based content is a relative rarity amongst the credible online legal resources that exist. Whilst the main websites such as gov.uk,

adviceguide.org.uk and shelter.org.uk can rely on their current popularity to continue to boost their search rankings, this may change in the future given the extent to which popularity is driven by traffic directed from search engines.

Shifting to more question/answer content is not just a way to mitigate a potential relegation to the second page of listings (where as this experiment has shown, no one goes), it is also a recognition of the type of content users want. The fact that those in the hint group more often reported that 'e-How' and Yahoo were useful to them during the course of their search may indicate a preference for advice delivered in a certain format. This was more common among those searching for housing information and suggests that there is a potential gap in the legal information market for a reliable, freely available, UK-based legal 'answerbank'. While ww2.justanswer.co.uk offers a service whereby legal questions are answered by a solicitor, it is a subscription-based service. In the context of Shelter this is easily achieved since the organisation already provides email assistance to the public and in the absence of developing a question/answer tool, could easily work to publish some of these question/answer responses. A more developed version of this would be a decision-tree approach, as adopted in the Netherlands and demonstrated by the Dutch Legal Aid Board's family law website (([www.rechtwijzer.nl](http://www.rechtwijzer.nl))).

At present, online resources providing content in a question/answer format are mainly commercial websites and discussion boards which may offer poor quality information and reduce an individual's likelihood of getting a correct sense of their rights, responsibilities and the strategies open to them. If question/answer based content is not only becoming more popular, but also presents as the future to determining search page rankings, it demands action on the part of those providing online resources in the legal space. This means not only providing question/answer content, but also shifting from singular words to long-tailed phrases in determining key terms. Determining what these 'key phrases' should be is a uncertain, website developers will need to consider the likely information users will want and how they would go about formulating this as a question (Shanahan 2013). In respect of housing and employment law, the findings detailed in this Chapter provide insight into some of the formulations used by members of the public.

Assuming that policy-makers do embrace the provision of content online, findings from this study offer a final warning. In a fast moving field such as technology, it is acknowledged that much of the content provided online is transient.

Nonetheless policy makers need to heed caution when embarking on wide-scale changes without considering the implications that arise. During the course of this study the direct.gov.uk website was replaced by gov.uk with much of the existing content removed. The redevelopment was part of broader plans that seek to use gov.uk not as an information resource itself but rather as a route by which individuals will be directed to external sources of information. This step-change in the purpose toward which the government's main website is orientated, arguably compounds recent changes to legal aid brought about by LASPO 2012 as discussed in Chapter 2. The fact that respondents who sought advice from directgov.uk had a higher chance of being able to improve their scores than those who used gov.uk indicates that the government has been successful in removing content. Whether gov.uk was successful in routing individuals through to other sources of advice remains a question for future research. For public policy makers, this finding serves only to reinforce that whilst rebranding a website is of little consequence in terms of respondents' willingness to use it, modification of content can have a quantifiable impact on the usefulness of a site. Where this is intentional, it should be supported by a strong justification that is not at odds with policy developments in other areas of government, including increased promotion of self-help for 'civil justice problems'.<sup>37</sup>

#### **4.6.8 Future Research**

By testing a novel method of data collection, this experiment has been able to provide greater insight into how young people retrieve and apply civil justice information obtained from the Internet. However, just like previous methodological approaches including longitudinal surveys that explore behaviour retrospectively, it is not without its limitations. Chief among these is the fact that an individual's strategy may differ if it is a problem they are facing themselves. This may result in a more careful use of the Internet to obtain information or may result in the individual deciding not to use the Internet at all. Future research may be better placed to capture the web-search behaviour of individuals actually experiencing a civil justice problem

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<sup>37</sup> This position echoes that put forth by Smith and Paterson in their 2014 report. In it they expressed disbelief that after a considerable period of funding and development the NHS Direct website, a brainchild of the Labour government, was systematically dismantled by a new Conservative/Liberal Democrat coalition government for seemingly little reason.

and therefore provide externally valid data, but this will of course depend on advances in technology.

There are also a number of questions that remain for future research. This includes further exploration of the motivation behind respondents' strategy. In particular more needs to be known about the extent to which respondents selected offline resolution mechanisms because they were not able to find action-orientated information online, because the information provided online encouraged respondents to seek professional help, or because they preferred offline services. At present the extent to which offline strategy can be attributed to online content is not clear and remains a key question. It is a question that Chapter 5 seeks to answer in respect of the housing and employment matters raised in the hypotheticals, by assessing and reviewing a wide range of online resources and reporting on these findings.

## **5. ONLINE LEGAL RESOURCES: A CONTEMPORARY REVIEW OF AVAILABLE CONTENT**

### **5.1 Introduction**

Over the last few years there has been a proliferation of commercial, third sector and government websites purporting to offer legal information and advice. With this proliferation has come diversity both in the quality and relevance of material provided online. As a relatively unregulated space, the public gains and to some degree loses from the wide range of websites vying for attention in the legal advice arena. Whilst benefit is seen in the diversity and potential independence of advice, the lack of regulation and the non-mainstream nature of some websites, means that issues of credibility and impartiality remain. Issues such as these may not be obvious to the inexperienced or unaware user when finding information online (Sillence et al. 2007) and the UK has typically favoured an approach in which onus is placed on the individual to assess the quality of the information that they rely upon (Winter 2011). As legal advice content provided by the government is reduced, individuals will increasingly turn towards alternative sources of online information, where quality control may not be as stringent.

#### **5.1.1 The Discerning Consumer?**

The fact that not all information online can be trusted is concerning given that individuals have previously demonstrated a lack of awareness relating to issues of website credibility. Brand-Greuwal et al (2009) highlight that people of all ages do not always open websites based on a valid judgment of the results; the source is not always questioned and the choice to open a site is guided by the title or summary of the site (i.e. relevance) rather than perceptions of credibility. Tabatai and Shore (2005) add that problems are particularly obvious for search novices who miss some highly relevant sites. Findings such as this are reinforced in the context of England and Wales by Ofcom's 2011 research which detailed that half of those who use search engines do not understand search engine results pages - especially the

accuracy and the independence of information presented (Ofcom 2011). As the previous chapters have made clear, users are often naïve when it comes to websites, rarely knowing (or for that matter caring) who stands behind the websites they use (see e.g. Tabatai and Shore 2005, Eysenbach and Kohler 2002, Chapter 2, 3 and 4). These behaviours are commonly demonstrated by young people, who also face a number of additional challenges, many of which have been explored in detail in the preceding chapters. In short, younger Internet users struggle with searching, lack confidence when formulating keywords, are unsure if the information they require exists, are often unsure of what to do if search results present too much information, or what steps to take if the information they require is not available all in the one spot. Young people are motivated by information seeking strategies that prioritise speed, potentially at the cost of quality, and often struggle to assess website quality in the absence of ‘gatekeepers’ (Shenton and Dixon 2004, Lorenzen 2001, Baule 1997).

However, this does not always impede an individual’s capacity to find the information they need (Chen 1993), perhaps because young people may be at different developmental stages (Lorenzen 2001). This results in some young people being more apt at distinguishing between the quality of information compared to others. Drawing on Perry’s (1970) ‘Scheme of Student Development’, young people are said to transition through a developmental process by which they either seek out authorities, or view all information sources as equal. The point at which a young person sits on the spectrum, equates to the sophistication of their critical thinking processes. This ties into existing literature discussed in Chapter 2 in which help-seeking behaviour was also seen to be influenced by cognitive development.

This existing research is complimented by the findings detailed in Chapter 4 where it was shown that young people often overlooked issues such as the jurisdiction of the website they were viewing, the organisation standing behind a website (notably commercial websites) and often tended towards potentially unreliable public discussion boards such as ‘Yahoo Answers’ where members of the public (from all countries) offer their viewpoints on questions asked by users facing certain dilemmas (legal or otherwise). Findings from existing research (including findings detailed in Chapter 4) have highlighted that individuals face some challenges when using the Internet to acquire information, and their success when doing so can vary. Yet it is difficult to determine the extent to which success can be

attributed to an individual's level of legal or technological capability, or whether the root of the problem (notably their inability to gain a complete understanding of their rights or the strategy to take) lies with the type of content available online or the way in which it is presented. As discussed in Chapter 2, it has been almost ten years since an in-depth assessment of legal resources has been undertaken and much is likely to have changed since then (see further Advice Now 2006). As much as the literature points to a need to improve users' legal capability, there is also a need to ensure that the resources currently available on the Internet are not frustrating the public's self-help efforts.

### **5.1.2            The Engineering of a Search**

As the gateway to online content, search engines do play an indirect role in controlling the relevance and quality of results, although much of this depends on the factors driving a search engine's retrieval algorithm (Gasser 2006, Hargiatti 2010). It is perhaps reassuring to note that none of the major search engines (e.g. Google, Yahoo, Bing!) accept advertising revenue in exchange for search rankings. However, search engines do differ in the factors influencing webpage ranking, with Google making a recent shift towards prioritising question/answer based content in search returns (Shanahan 2013, Gibbs 2013).

Searching online does not just require the ability to distinguish between a range of resources, where reliability and credibility may differ; an individual must first generate a search to lead them to these results. As Puustinen and Rouet (2009) acknowledge, document searching (online or otherwise) requires self-awareness of one's information needs as well as the ability to make a judgment as to when sufficient information has been gathered. Numerous studies have however revealed the difficulties certain groups face in defining their problems (Brand-Gruwel et al. 2005, Branch 2001, Lazonder 2000, Puustinen and Rouet 2009).

Search formats (and subsequent results) are also likely to differ based on the objectives of the initial search (Rose and Levinson 2004). Judging by market trends, notably Google's recent decision to change its algorithm to better understand longer question based search terms, it would appear that the public's search behaviour is shifting away from reliance on short queries based on two or three keywords (Shanahan 2013, Gibbs 2013, Spink et al. 2000). However as Rose and Levinson

(2004) identify, it may simply be that as online populations grow, new users are coming online are armed with ‘directed close-ended (question-based)’ searches rather than keyword searches.

The results emerging in Chapter 4 offer less comfort than might be hoped in respect of the capacity of a technologically proficient group of young people to devise search terminology. A lack of familiarity with the context of the hypothetical problem rendered participants predisposed to relying on cues drawn from the rights-based questions they were asked. As was noted in Chapter 4, where such cues are not available (as may well be the case in everyday problem solving) young people may struggle to conceive of search keywords. Google’s shift to a search algorithm capable of handling long-tailed question-based formats is clearly a user-focused development. For those who would otherwise struggle to contextualise their problem in concise terms, it will surely be of use, but it requires that content is available which meets these search needs. It is therefore of some interest to policy makers to determine how search terms influence search results.

Chapter 4 looked at the way in which ‘simple’, ‘specific’ and ‘question-based’ search terms influenced improvement of knowledge of rights. The findings in this regard were inconclusive – search term format did not appear to lead to statistically significant differences in a participant’s chance of improving their knowledge of rights. It may be because there are relatively few legal resources and most searches lead to the same or similar material. The analysis in Chapter 4 was also unable to control for a number of factors that persist beyond search term, notably, a user’s interpretation of the material they encounter. There is therefore some merit in exploring whether the use of different search terms leads to different types of material and material of different quality, credibility or reliability. Chapter 4 advanced the theory that search terms are linked to subject matter experience with ‘specific’ search terms used more frequently by law students. It is important to consider whether those with diminished legal capability are directed to poor quality legal resources simply because they fail to devise keywords drawn from a legal vernacular; or whether in fact, legal characterisation of a problem and the use of well-considered keywords is largely irrelevant in the context of online information retrieval.

### 5.1.3

### The Market for Online Legal Information

When it comes to the type of material available to the public, research undertaken by Advice Now in 2006 highlighted the shortcomings of existing online legal materials, separate from matters of credibility (Advice Now 2006). More recently, Smith (2013) and Smith and Paterson (2014) have noted that in the UK, the provision of online legal information is occupied by a small range of ‘major players’ and a lack of innovative design as seen in other jurisdictions such as the Netherlands.

As has been explored in Chapter 2, one reason for the apparent (legal information) market monopoly in which control is shared by a few government/third sector organisations, is due to the fact that it is difficult to make money from the provision of legal information (Barendrecht 2010, 2011). This has not stopped some businesses from trying and there is evidence of a growing self-help legal information base in the areas of business law and family law by providers such as Rocket Lawyer and ZoomLegal. Nonetheless, young people are less well placed than most groups to pay for access to advice and the types of problems for which advice is needed are generally the legal practice areas that online self-help providers shy away from - housing law being one example.

Setting aside the debate as to whether the Internet is an appropriate environment within which to provide advice and information, there is a lingering question regarding whose responsibility it is to provide information about the public’s rights and responsibilities. As Chapter 2 has discussed, the requirement that individuals should have some idea of the rights and responsibilities that affect them, relates to the notion of active citizenship and the rule of law. In respect of active citizenship, it has been suggested that an individual cannot truly engage as a citizen if they are not aware of their civic entitlements and obligations (Marshall 1950, 1964, Johansson and Hvinden. 2007). If, as Dicey proposed in 1885, ‘all are equal before the law’ then all must have equal access to the law. Access is not however just a matter of procedure, but rather the ability of ordinary individuals to participate in the procedure of justice without exorbitant cost or unrealistic levels of expertise. Yet, both cost and knowledge have been shown to be barriers to accessing justice (Rhodes 2001, Pleasence et al 2011, Galanter 1974). So while legal aid has endeavored to address the barrier of cost, Public Legal Education (PLE) has addressed the barrier of knowledge. It seems only reasonable to expect that

maintaining these rudiments of the rule of law and constitutionalism remain an obligation of the state and its various arms. However, recent changes as per LASPO 2012 suggest that the current government does not share this sentiment.

In exploring some of these issues further, this Chapter provides an overview of the material currently available to those seeking information in relation to housing and employment law problems. Drawing on the evaluation framework used by Advice Now in their own similar study undertaken in 2006, it offers a contemporary assessment of online resources. In addition to this, it contributes a new dimension to the existing research by looking at the search routes that might be taken to acquire resources and the impact this has on the relevance and quality of material presented in search results.

## **5.2 Aims and Hypotheses**

The purpose of this part of the project is to evaluate some of the resources that the public may come into contact with when using the Internet to try and resolve a ‘legal problem’. This study focuses specifically on assessing the resources that are acquired on the first page of search engine results in a systematic process of searching in relation to six questions asked of participants in the experimental study detailed in Chapter 4. The study was developed in order to explore the following:

- The extent to which the information currently available online is capable of fulfilling the public’s informational needs, including the extent to which it provides an accurate balance between the provision of legal information and the provision of material that helps individuals translate that information into appropriate action;
- The extent to which the information provided online is accurate, free from bias, freely available, with jurisdiction clearly denoted;
- Whether ‘simple’, ‘specific’ and ‘question’ based search terms leads to varying levels of information-yielding success, and;
- What these findings might say about the development of websites by the government and the third sector.

This study presents an updated evaluation of the most common resources available to assist users in obtaining information in relation employment and housing problems following a specific search process described in detail below.

It is firstly hypothesised on the basis of Smith (2013) and Smith and Paterson (2014) that most of the resources appearing in search results listings will be from government and third sector websites due to the fact that as Barendrecht (2010, 2011) notes, the inability to make money from the provision of legal information in the sphere of employment and housing disputes has led to online legal information being seen as a charitable rather than a profitable activity.

Examining the impact of different types of search engines, as has been noted above, given the way in which search engines rely on different (proprietary) algorithms to generate search results (Shanahan 2013), it is secondly hypothesised that the ratio of sites of a different nature (government, third sector, commercial, discussion Board etc...) and the relevance of search results, will vary between the two search engines used in this study - Google and Yahoo.

It is thirdly hypothesised that 'specific' search terms devised for the purposes of this study will lead to relevant search results more often than 'simple' or 'question-based' searches. While this was not shown to be the case in respect of the study detailed in Chapter 4, it is nonetheless proposed that 'specific' search terms will strike an adequate balance between 'brevity' and 'specificity' as well as adopting some of the keyword terminology that websites are likely to use within website text. In keeping with the general design of algorithms (Huffman and Hochster 2007, Huffman 2008, Radlinski et al. 2008), it is also hypothesised that the relevance of search results will be affected by search page rankings.

Finally, looking at the availability of information online, on the basis of Advice Now's findings in 2006 and the findings emerging in Chapter 4, it is hypothesised that there will be less 'skills support' information to assist the public to translate knowledge into action than there will be information pertaining to 'problem support' (i.e. information to help them understand the problem).

## 5.3 Method

### 5.3.1 Data

Data for this Chapter was drawn from a website review and assessment conducted in early August 2013 shortly before Google altered its search algorithm (see further Section 2.4.2.2). The website review assessed 580 web resources (some of which were duplicates) appearing in the first page of Google.com and Yahoo.com search results. Search results were procured by devising a set of search terms on which searches were performed. Search terms directly corresponded to the housing and employment hypotheticals respondents faced in the experiment described in Chapter 4. Each web resource was assessed against a series of 16 criteria. Data was initially collated in Microsoft Excel, before being transferred to SPSS to produce descriptive statistics. MLWin was used for the purpose of multilevel modeling, as described in Section 5.4.

### 5.3.2 Procedure

The website review was conducted in such a manner as to mirror the search parameters that individuals normally apply when using the Internet for informational tasks, as informed by the literature.

To reconcile with both the set-up of the experimental study where virtual desktop browsers used the search engine ‘Yahoo’ as default (as detailed in Section 4.3.4) and findings from the CSJPS where respondents commonly reported ‘Google’ as the website they used to find information (as detailed in Section 3.5.3.3), web resources were acquired by entering a range of search terms into Yahoo ([www.yahoo.com](http://www.yahoo.com)) and Google ([www.google.com](http://www.google.com)) and extracting the top ten (first page) results from each search engine. Measures were implemented to ensure that existing searches and web pages visited did not influence the results retrieved.<sup>38</sup>

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<sup>38</sup> For Google, the customisation feature was turned off which stopped Google automatically logging existing searches and sites and for Yahoo altering search logging preferences achieved the same result. These are of course not perfect measures. For Yahoo, turning off logging did not prevent the influence of data acquired by using the Yahoo search engine prior to logging being switched off. Fortunately the researcher did not use Yahoo routinely.

In addition to the fact that Yahoo and Google aligned with the research methods of Chapters 3 and 4, these search engines were also chosen as they represented two of the most predominant search engines in the marketplace. Figures from digital research provider StatCounter, found in January 2014 that of the three major players in search engine provision in the UK (Google, Yahoo and Bing) Google had by far the largest share with 89 per cent, followed by Bing at 6 per cent and Yahoo at 3 per cent. US figures highlighted a slightly more balanced picture with Google at 61 per cent, Yahoo at 17 per cent and Bing at 15 per cent (Hand 2014).

### **5.3.3 Assessment Criteria and Classification Process**

Assessment criteria for online legal information raised two challenges – the first was the technological aspect of the assessment and the second was the legal and content element. In respect of the technological aspect, there have been a number of mechanisms developed by which to measure the quality of websites. One notable example used primarily in the e-retail environment and developed by Zeithaml et al (2002) is the measurement tool e-SERVQUAL. This tool focuses on seven dimensions of service quality related to: efficiency, reliability, fulfilment, privacy, responsiveness, compensation, and contact. It attempts to measure the gap between a user's perception of a quality website and the extent to which a website lived up to these expectations. In the e-government space, alternatives have been developed, some of which have drawn on elements of the e-SERVQUAL framework. The main approaches are synthesised in a review undertaken by Halaris et al in 2007. Here, issues of customer satisfaction, site performance, technical performance and process performance stand out as key considerations, within which sub-criteria are formed.

In the legal information space, assessing the quality of legal services has been considered a separate undertaking to assessing the quality of 'legal information' (i.e. self-help). Whilst legal services fall within the remit of professional standards and conduct requirements, self-help materials largely do not; except for example in the United States, where the sale of a software package to assist the general public with independent legal document assembly ('Quicken Family Lawyer') can constitute the unauthorised practice of law (see e.g. *Unauthorized Practice of Law Committee v. Parsons Technology, Inc.*, 1999 WL 47235 (N.D. Tex., Jan. 22, 1999) (Civ.A.

3:97CV-2859H)), so too can the provision on online self-help services such as that provided by LegalZoom (Janson v. LegalZoom.com, Inc., 271 F.R.D. 506, 506 (W.D. Mo. 2010)).

Where legal material is provided in the online space, consideration must be given to not just content, but to a number of other issues that arise in the virtual environment, such as the credibility of the website, or the obviousness of jurisdiction as Chapter 4 has demonstrated.

In the absence of precedent, this analysis stayed faithful to the criteria Advice Now established in their 2006 study, including the additional criteria Advice Now suggested future studies should adopt. This allowed for some level of comparison across the two data sets, noting that Advice Now had an already compiled set of resources to evaluate. After further consideration a number of additional indicators of website quality (under the banner of ‘credibility’ - as identified in the work of Hasan and Abuelrub (2011)) were also included. Another criteria was specifically added in recognition of the fact that the law varies across jurisdictions, therefore, assessment also took note of whether the resource made clear somewhere on the page that the information was applicable to a particular jurisdiction. This could include a message that appeared at the top of content indicating as such and offering a hyperlink to access information intended for other jurisdictions such as Scotland or Wales (as is used by the AdviceGuide website). The criteria was also met if content made mention of jurisdiction when detailing the law, so this might have included ‘In England the law states’ or words to that effect. One final criteria was added in order to reflect the specific interests of this project: whether or not the resource provided information targeted to the young adult demographic. This criteria recognised the fact that young users have a more difficult time acquiring information online (Denvir et al 2011, see also Chapter 3) and enabled the review to record whether, within the mainstream resources evaluated, any effort was being made to specifically cater to young people. The full criteria are listed in Table 40.

**Table 40.** Full criteria proposed for resource evaluations

<b>1. LEGAL CONTENT</b>	
<b>(a) Problem Support</b>	
<b>A1</b>	Overview of the issues
<b>A2</b>	Outline of the key legal points
<b>A3</b>	Guides to processes and procedures
<b>A4</b>	Route maps of where to go/what to do/who to see
<b>A5</b>	Step by step guides
<b>A6</b>	Where to get more information/advice/support
<b>A7</b>	Special Information for Young People
<b>(b) Skills Support</b>	
Information about skills & support to help solve the problem	
<b>B1</b>	Sample letters, forms and calculations
<b>B2</b>	Visit, interview or assessment preparation
<b>B3</b>	Suggested questions to ask/key points to consider
<b>B4</b>	How and when to record what you do
<b>B5</b>	How to negotiate/ be assertive/remain calm
<b>B6</b>	Acknowledge stress/give support/boost confidence
<b>2. CREDIBILITY</b>	
<b>1</b>	Accuracy
<b>2</b>	Balance and bias
<b>3</b>	Cost
<b>4</b>	Organisation responsible for the information resource is identifiable
<b>5</b>	The resource makes clear that the information pertains only to England and Wales

In addition to evaluating each web resource according to the criteria detailed in Table 40, web resources were also classified as either:

- Government
- Third Sector
- Commercial
- Union
- Newspaper/News Site
- Discussion Board
- Blog
- Other

This classification was the same as that applied in respect of the experiment detailed in Chapter 4 (specifically 4.4.1).

Government websites included the websites of departmental and non-departmental public bodies as well as local government and local authority websites. Third sector websites were charitable in nature, this included the Wikipedia website.

As was discussed in Chapter four, websites could have been classified in a number of ways although the process of classification was the same for Chapter 4 as for Chapter 5. In the context of this study, consideration was given to the reliability of websites, with an effort made to distinguish between websites typically regulated by a code of conduct, for example Government websites follow the British Standard (BS)8878 Web Accessibility Code of Practice as well as being governed by an overall publishing standard. Third sector websites in general and a number in particular (such as the Citizens Advice website, the adviceguide.org.uk website, the advicenow.org.uk website and the Shelter.org.uk) adhere to the Web Content Accessibility Guidelines (WCAG). In some cases the classification process was straightforward – discussion boards were relatively easy to classify as were newspaper/news sites, union websites and blogs. The biggest challenge was the classification of ‘commercial’ websites. Commercial websites fell into a number of categories. In the legal advice setting, commercial websites were those (a) run by legal firms or organisations offering legal services or (b) those not in the legal market. For those commercial enterprises in the legal market, websites generally provided a small amount of legal information on a given topic as a ‘teaser’ to entice the public to either: purchase an unbundled legal service; enter into an agreement to purchase legal services (either one-off or ongoing); or, subscribe to an online information portal. Sometimes commercial websites offered ‘blogs’ which operated in a similar format, offering a small amount of information and tying this to a commercial product. Whilst branded as a ‘blog’ these were in essence commercial websites since this was the purpose of their creation. Only blogs established without the intent of making money (including money from advertising) were coded as simply ‘blogs’. Other commercial websites did not attempt to sell a product directly to the reader, but supplied content in return for advertising revenue. This was the case with ‘content mill’ sites such as ‘e-How’, which are specifically designed to satisfy algorithms to promote maximal retrieval in results pages by automated search engines.

In the commercial field, it would have been possible to distinguish between legal services websites and other commercial websites which offered legal products but were not under legal regulation or which were content mills. This may have been a useful exercise since where legal professionals are providing legal information/advice online this provision would technically come under the auspices

of ‘legal services’ and would be regulated as such. However, it was decided that ‘commercial’ websites (of all varieties) would be grouped together for a number of reasons. Firstly, the small number of legal practices appearing in search results (particularly since this investigation was limited to housing/employment law) would have made it difficult to statistically assess the impact of these websites. Secondly, although these service providers are technically subject to regulation, there has been no formal effort made as yet to regulate or oversee the provision of legal information on the Internet irrespective of whom it is provided by. Thirdly, commercial websites were grouped together because they were unified by an underlying profit making purpose. It is possible that future studies could consider further subdivisions within the ‘commercial’ strand as part of a broader exploration of online legal information.

Websites such as UK Answers were coded as ‘discussion boards’. ‘Other’ sites comprised those websites that did not fit into the aforementioned format. This included two web resources provided by an educational institution, three web resources which took the format of a forum where it was not possible to ascertain whether any commercial interest was present, and four web resources provided by an organisation which offered information both as a commercial and a charitable enterprise but where it was not possible to determine whether the web resources had been supplied with a commercial or charitable intent.

#### **5.3.4 Search Terms**

Three search term phrases were devised for each of the questions that respondents were asked in the hypothetical scenario used in the online survey/experiment, as described in Chapter 4 and detailed in Table 15 and 16. The formulation of search terms drew on Rose and Levinson’s (2004) characterisation of information-orientated search queries and were comprised of ‘undirected’ searches (‘simple’), ‘directed open-ended’ (‘specific’) searches and ‘directed closed-ended’ (‘question’) based searches.

There were two instances where the pattern of simple/specific/question based searching was not adopted, as is highlighted in Table 41 and 42. The first was in reference to the employment hypothetical, question E3, where ‘simple’ and ‘specific’ search terms were not devised for the question ‘Does the National Minimum Wage vary according to how old you are?’ This was because it was felt

that any search terms devised would have been very similar in nature if not identical to those devised for question E2 'Is Alisha's Wage Higher, Lower or the Same as the National Minimum Wage'. The second exception was in reference to H5 and H6 in the Landlord Hypothetical. The final three questions of the housing hypothetical (H4, H5 and H6) focused on illegal eviction from a rented property, whether a court order was a requirement and who could evict a tenant. It was considered that any 'simple' and 'specific' search terms would be focused around 'eviction' and therefore, the 'simple' and 'specific' search terms were not repeated for H5 and H6, instead only a 'question' based search was conducted.

These search terms phrases could be broadly understood as follows:

- Simple - using only key words and likely to generate a large amount of 'undirected' search results;
- Specific - in that they combined both simple search terms relevant to the question as well as using the term 'rights' (on occasion the term 'legal' was also included) to promote results that provided guidance on an individual's legal position constituting a 'directed, open-ended' format;
- Question-based - which used a question format ('directed, closed-ended') to pose a search query in similar terms to the query posed to participants in the hypothetical.

The term 'UK' was added to the end of each of the search terms in an attempt to ensure that the results returned were most relevant to the UK. Search engines often use IP addresses to control the relevance of results returned, however this does not guarantee that sites from overseas jurisdictions are not included. Furthermore, in this evaluation, the yahoo.com and google.com websites were used as opposed to the jurisdiction specific variants of these search sites.

Based on findings that individuals rely heavily on search engines and rarely go beyond the first 10 of search results (Eysenbach and Kohler 2002, Eysenbach et al. 2002, Jansen and Spink 2006, Rose and Levinson 2004) search terms were entered into both the Yahoo.com and Google.com search engines with the top 10 (first page results) evaluated according the criteria specified in Table 40. Advertised search results were not included in the evaluation. Overall 580 search engine page links were evaluated. For employment hypothetical questions 1 through 6, 160 web pages

were obtained each from the Google and Yahoo search engines. For housing hypothetical questions 1 through 6, 130 webpages were recorded from Google and Yahoo. A total of 580 web pages were viewed during the evaluation. As web pages listed in search results page could be from the same website, there were often multiple pages from the same provider listed. In the case of gov.uk the page linked to via a search engine may not have been particularly useful to an individual. Gov.uk supplies only a small amount of information on each webpage, requiring users to click through multiple pages to reveal full content on a particular issue. For this reason, particularly as it related to gov.uk, evaluation took into consideration not just the page that the search engine linked to, but the breadth of information that the webpage provided in and around an issue. This did mean however that there was often duplicate pages in the search page results since results often linked to multiple parts of one website.

Resources containing information pertaining to another jurisdiction, content that was not relevant to the topic, or content that required subscription to access it, was not evaluated but instead marked as irrelevant. Irrelevance was defined according to the definition offered by Bilal and Kirby (2002) where a hyperlink did not lead to the desired information irrespective of whether on the face of it the hyperlink looked as though it would be relevant.<sup>39</sup> Where links off search engine pages were broken, this was also noted. Table 41 and 42 highlight the simple, specific and question-based search terms used for each of the hypothetical questions asked of respondents in order to generate the web resources and denotes the variation between website type.

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<sup>39</sup> Bilal and Kirby (2002) used this definition to denote both 'semi-relevant' and 'irrelevant' content. As their use of the term was related to evaluating user behaviour rather than to evaluating search results, for the purpose of this study, items considered 'semi-relevant' and 'irrelevant' by Bilal and Kirby (2002) have been grouped together.

**Table 41.** Simple, specific and question-based search terms used for each of the employment questions and resources produced

Hypothetical Question	Search Type	Search Term Used	Gov		3rd Sector		Commercial		Union		News		Discuss. Board		Blog		Other	
			N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
E1 - Does ALISHA have to work 50 hours per week?	Simple	Working Hours UK	10	50	2	10	2	10	0	0	5	25	1	5	0	0	0	0
	Specific	Working Hours Legal rights UK	6	30	4	20	2	10	5	25	1	5	1	5	1	5	0	0
	Question	Do I have to work extra hours UK?	6	30	2	10	1	5	1	5	4	20	6	30	0	0	0	0
E2 - Is ALISHA'S salary, £5.50 per hour, above, below or the same as the National Minimum Wage?	Simple	National Minimum Wage UK	11	55	3	15	2	10	0	0	4	20	0	0	0	0	0	0
	Specific	National Minimum Wage Legal Rights UK	11	55	2	10	7	35	0	0	0	0	0	0	0	0	0	0
	Question	What is the National Minimum Wage UK?	12	60	2	10	2	10	0	0	4	20	0	0	0	0	0	0
E3 - Does the National Minimum Wage vary according to how old you are?	Question	Does the National Minimum Wage vary by age UK?	13	65	2	10	2	10	0	0	2	10	1	5	0	0	0	0
E4 - Does ALISHA have a legal right to see the main terms of her contract of employment?	Simple	Contract of Employment UK	6	30	3	15	11	55	0	0	0	0	0	0	0	0	0	0
	Specific	Copy of Employment Contract Legal Rights UK	9	45	4	20	5	25	0	0	0	0	2	10	0	0	0	0
	Question	Do I have a right to see my employment contract?	7	35	6	30	6	30	0	0	0	0	1	5	0	0	0	0
E5 - Is ALISHA covered by the full range of unfair dismissal laws?	Simple	Unfair dismissal UK	5	25	4	20	9	45	0	0	2	10	0	0	0	0	0	0
	Specific	Unfair dismissal Legal Rights UK	6	30	5	25	7	35	0	0	2	10	0	0	0	0	0	0
	Question	Who is covered by unfair dismissal laws? UK	4	20	3	15	12	60	1	5	0	0	0	0	0	0	0	0

<b>E6 - Is ZAP allowed to consider ALISHA'S age in deciding who is to be made redundant?</b>	Simple	Redundancy UK	10	50	2	10	6	30	1	5	1	5	0	0	0	0	0
	Specific	Redundancy Legal Rights UK	8	40	1	5	8	40	2	10	1	5	0	0	0	0	0
	Question	Can age be considered when making redundancies? UK	5	25	5	25	9	45	1	5	0	0	0	0	0	0	0

**Table 42.** Simple, specific and question-based search terms used for each of the housing questions and resources produced

Hypothetical Question	Search Type	Search Term Used	Gov		3rd Sector		Commercial		Union		News		Discuss. Board		Blog		Other	
			N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>H1</b> - Is the landlord entitled to enter the house in this way?	Simple	Landlord Entry UK	5	25	3	15	4	20	0	0	0	0	3	15	3	15	2	10
	Specific	Landlord Right of Entry UK	3	15	3	15	6	30	0	0	0	0	2	10	3	15	3	15
	Question	Can my landlord enter my property without notice? UK	3	15	4	20	5	25	0	0	0	0	4	20	3	15	1	5
<b>H2</b> - Is the landlord legally obliged to repair the leak?	Simple	Rental property leak UK	2	10	2	10	10	50	0	0	2	10	3	15	1	5	0	0
	Specific	Rental property repair tenant rights UK	3	15	6	30	10	50	0	0	0	0	0	0	1	5	0	0
	Question	Does my landlord have to fix a leak in the bathroom? UK	1	5	3	15	7	35	0	0	2	10	5	25	1	5	1	5
<b>H3</b> - Has ALISHA breached her tenancy agreement by not paying the rent in full?	Simple	Deducting money from rent UK	3	15	6	30	6	30	0	0	0	0	1	5	0	0	4	20
	Specific	Deducting money from rent lease breach UK	3	15	2	10	12	60	0	0	1	5	1	5	1	5	0	0
	Question	Have I breached my lease by deducting money from my rent? UK	2	10	4	20	8	40	0	0	1	5	3	15	2	10	0	0
<b>H4</b> - If ALISHA refuses to leave, will the landlord be able to evict ALISHA without first obtaining a Court Order saying that Alisha must leave?	Simple	Eviction from rented property UK	4	20	8	40	8	40	0	0	0	0	0	0	0	0	0	0
	Specific	Eviction from rented property tenant rights UK	3	15	5	25	12	60	0	0	0	0	0	0	0	0	0	0
	Question	Can I be evicted without a court order? UK	4	20	10	50	3	15	0	0	0	0	2	10	1	5	0	0

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<b>H5 &amp; H6 - Can Alisha's Landlord's employees remove her from the property (with or without a Court order)</b>	Question	Can a landlord's employees physically move me out of a rented property? UK	2	10	4	20	10	50	0	0	0	0	2	10	2	10	0	0
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## 5.4 Analytical Strategy

First, descriptive statistics are used to explore the types of websites (government/third sector/union/commercial/etc) appearing in search results and the extent to which this differs on account of search term type and search engine type for the housing and employment hypotheticals.

Descriptive statistics are then used to explore the relevance of webpages found. To explore search result relevance (relevant vs. irrelevant) further, a three-level binary logistic regression model was fitted using MLwiN (Rasbash et al. 2009), modelling the likelihood of relevance on the basis of problem type (employment, landlord), search type (simple search, specific search, question-based search), search engine (Google, Yahoo) and position in the search results (which could vary from 1 to 10). The model also included random terms used to assess whether relevance tended to cluster within searches or hypothetical questions. Multilevel modeling was necessary, since individual results were nested within searches, and searches were nested within hypothetical questions. Applying a multilevel model accounted for the hierarchical nature of the data and produced statistics on the differences across individual results, search type and hypothetical question (see further Goldstein 2011).

Analysis then turned to examine the quality of websites sourced, looking at the problem support, skills support and credibility score of the websites reviewed according to website type, search engine type and question type. All three scores were standardised to vary between 0 and 1.

Finally, in order to examine the search determinants of website quality, three models were fitted for problem support, skill support and credibility scores of websites (corresponding to each search result), on the basis of problem type (employment/housing), search type (simple/specific/question), search engine (Google/Yahoo) and position in search results (which could vary from 1 to 10) as well as type of website (government/third sector/union/commercial/other). Problem, skills support and credibility scores were fitted as normal response variables, again as part of three-level multilevel models.

## 5.5 Results

### 5.5.1 Types of Websites Appearing in Search Results

For the employment questions, 40.3 per cent of web pages derived from government websites, 15.6 per cent from the third sector, 28.4 per cent from the commercial sector, 8.1 per cent from online news sites, 3.8 per cent from discussion boards, 3.4 per cent from union sites and 0.3 per cent from blogs. For the housing problem, webpages were more often commercial sites at a rate of 38.8 per cent. 23.1 per cent came from third sector sites, 14.6 per cent from government sites, 10 per cent from discussion boards, 6.9 per cent from blogs, 4.2 per cent from ‘other’ sites and 2.3 per cent from news sites.

Table 43 demonstrates the search terms associated with producing various website types. For the employment questions, both ‘simple’ and ‘specific’ search terms were associated with similar levels of ‘government’ and ‘third sector’ websites (42% and 40% respectively). Question based search terms yielded the highest number of discussion board websites (6.7% compared to 1% for simple searches and 3% for specific searches). However overall, differences between search term types were small. This was also the case in relation to the housing questions, although interestingly, in contrast to the employment problems, specific search terms appeared to generate a larger number of commercial websites (50% for specific compared to 35% for simple and 33% for question based searches). Again, question based search terms more often led to discussion board websites (16% compared to 8.8% for simple searches and 3.8% for specific searches).

**Table 43.** Types of websites appearing in search results distinguished by search term

		Gov		Third Sector		Commercial		News Paper		Discussion Board		Blog		Union		Other	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>Employment</b>	Simple	42	42.0	14	14.0	30	30.0	12	12.0	1	1.0	0	0.0	1	1.0	0	0.0
	Specific	40	40.0	16	16.0	29	29.0	4	4.0	3	3.0	1	1.0	7	7.0	0	0.0
	Question	47	39.2	20	16.7	32	26.7	10	8.3	8	6.70	0	0.0	3	2.5	0	0.0
<b>Housing</b>	Simple	14	17.5	19	23.8	28	35.0	2	2.5	7	8.8	4	5.0	0	0.0	6	7.5
	Specific	12	15.0	16	20.0	40	50.0	1	1.2	3	3.8	5	6.2	0	0.0	3	3.8
	Question	12	12.0	25	25.0	33	33.0	3	3.0	16	16.0	9	9.0	0	0.0	2	2.0

**Table 44.** Types of websites appearing in search results distinguished by search engine

		Gov		Third Sector		Commercial		News Paper		Discussion Board		Blog		Union		Other	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>Employment</b>	Google	86	53.8	21	13.1	31	19.4	13	8.1	3	1.9	1	0.6	5	3.1	0	0.0
	Yahoo	43	26.9	29	18.1	60	37.5	13	8.1	9	5.6	0	0.0	6	3.8	0	0.0
<b>Housing</b>	Google	28	21.5	43	33.1	28	21.5	5	3.8	9	6.9	12	9.2	0	0.0	5	3.8
	Yahoo	10	7.7	17	13.1	73	56.2	1	0.8	17	13.1	6	4.6	0	0.0	6	4.6

As shown in Table 44, Google generated a greater number of results from government and third sector websites than Yahoo for the housing questions (21.5% v. 7.7% for government and 33.1% and 13.1% for third sector). For the employment questions, although Google yielded a greater number of government websites (53.8% compared to 26.9% for Yahoo), Yahoo presented third sector websites slightly more often (18.1% compared to 13.1%). In relation to both the housing and employment questions, Google also presented fewer commercial webpage listings in search results than Yahoo did (19.4% v. 37.5% in respect of employment and 21.5% v. 56.2% for housing). Other differences were relatively small in terms of the types of resources the two search engines produced in results pages.

Between the employment and housing hypothetical, results of the housing searches produced a greater number of third sector rather than government websites, with the reverse true of the employment hypothetical. Yet overall there did not appear to be a clear pattern between the search terms and the type of websites they generated in search listings. One exception to this was the different rate at which Yahoo and Google led to commercial websites (irrespective of the search terms used). The presence of commercial websites in the Yahoo result listings was in some cases more than double that of the Google listings for both the employment and housing searches.

It is possible that an interaction between search term type and search engine used existed. Looking at differences according to search term used and search engine used highlighted inconsistent differences across the board. Specific search terms used with the Google search engine for the employment questions, produced the most varied range of sources compared to simple and question based search terms, including newspaper, discussion board, union and blog based sources. Specific search terms, when coupled with the Google search engine, also yielded what are traditionally considered more ‘reputable’ sources of advice, including ‘government’ websites, ‘third sector’ websites and ‘union’ websites more often than the other search term forms. Conversely, when using the Yahoo search engine, ‘question’ based search results more often produced websites that were provided by the ‘government’ or ‘third sector’ and less often by ‘commercial’ websites.

For the housing hypothetical, when using the Google search engine it was the ‘simple’ search term which more commonly presented a greater number of ‘government’ websites in search results listings (27.5 % compared to 25% for the

‘specific’ search term and 14% for the ‘question’ based search term). However, the ‘simple’ search term less commonly led to third sector websites (30% compared to 35% for ‘specific’ search terms and 34% for ‘question’ based search terms). In keeping with the employment hypothetical, ‘question’ based search terms when used in conjunction with the Google search engine, more often led to commercial websites at a rate of 26 per cent, only slightly above that of ‘specific’ search terms at 25 per cent, with ‘simple’ search terms at 12.5 per cent. The presence of government websites in the yahoo search results for the housing hypothetical was very low irrespective of the search terms used. Nonetheless, ‘specific’ search terms yielded the lowest number of government website results at 5 per cent, and yielded an equally low number of third sector websites. Again, as was the case in relation to the employment hypothetical, ‘question’ based search terms led to a greater number of ‘discussion board’ websites appearing in the search results.

### **5.5.2 Relevance of Websites Found**

Of 580 individual search results included in 58 searches (10 results per search), 381 (65.7%) could be classed as relevant to the question – with ‘relevant’ being defined as providing content that was related to the question at hand and the area of law engaged, even if this content did not provide a full answer. Table 45 depicts findings relating to the relevance of the websites presented in the web search results generated, by search engine and search term used.

**Table 45.** Relevance of websites appearing in search results distinguished by search term and search engine used

		Relevant		Irrelevant Content		Irrelevant Jurisdiction		Sign-up Required		Link Broken		
		N	%	N	%	N	%	N	%	N	%	
EMPLOYMENT	Google	<i>Simple</i>	37	74.0	10	20.0	1	2.0	1	2.0	1	2.0
		<i>Specific</i>	44	88.0	6	12.0	0	0.0	0	0.0	0	0.0
		<i>Question</i>	46	76.7	9	15.0	1	1.7	1	1.7	3	5.0
	Yahoo	<i>Simple</i>	32	64.0	13	26.0	0	0.0	4	8.0	1	2.0
		<i>Specific</i>	40	80.0	8	16.0	2	4.0	0	0.0	0	0.0
		<i>Question</i>	47	78.3	8	13.3	4	6.7	0	0.0	1	1.7
	Google	<i>Simple</i>	24	60.0	16	40.0	0	0.0	0	0.0	0	0.0
		<i>Specific</i>	28	70.0	9	22.5	3	7.5	0	0.0	0	0.0
		<i>Question</i>	27	54.0	15	30.0	8	16.0	0	0.0	0	0.0
HOUSING	Yahoo	<i>Simple</i>	15	37.5	20	50.0	0	0.0	1	2.5	4	10.0
		<i>Specific</i>	23	57.5	11	27.5	5	12.5	0	0.0	1	2.5
		<i>Question</i>	18	36.0	25	50.0	7	14.0	0	0.0	0	0.0

Looking at the employment hypothetical first, ‘simple’ search terms when coupled with the Google search engine produced the least number of relevant web search results at a rate of 74 per cent. 20 per cent of the links provided were irrelevant on the basis of content, 2 per cent irrelevant on the basis of jurisdiction, sign-up or because the link was broken. Conversely, ‘specific’ search terms led to the greater amount of relevant content at a rate of 88 per cent. This was also true when using the Yahoo search engine where ‘specific’ search terms led to relevant content 80 per cent of the time, again, ‘simple’ search terms were least successful in yielding relevant content, doing so only 64 per cent of the time, and acquiring content that was irrelevant 26 per cent of the time, which required sign-up 8 per cent of the time, or which had a broken link 2 per cent of the time.

Looking at the housing hypothetical, again when using both Google and Yahoo search engines, ‘specific’ search terms produced the most relevant results (70% and 57.5% respectively). Unlike the employment hypothetical where ‘simple’ search terms produced the least relevant results, this time ‘question’ based search terms were least effective for both search engines (54% for Google and 36% for Yahoo). Overall, Google tended to produce more relevant results than Yahoo both within the employment and housing searches and across them.

Table 46 shows multilevel logistic regression output, modelling whether or not a search result was ‘relevant’ on the basis of problem type, search type, search engine and position in search results. The model also included search and hypothetical question level random terms.

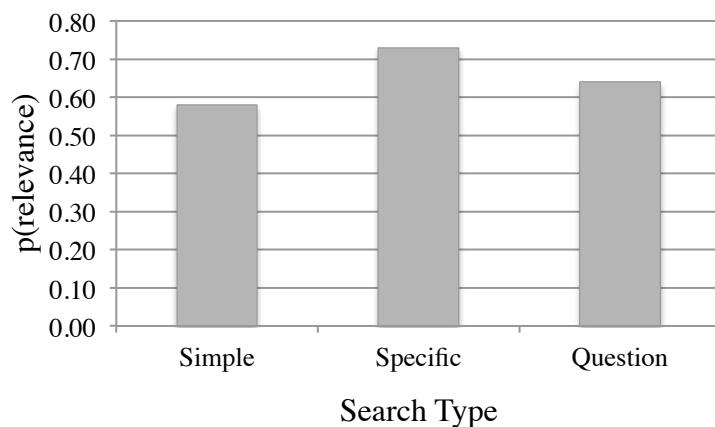
**Table 46.** Multilevel logistic regression output modelling site relevance on the basis of problem type, search type, search engine and position in search results (significant terms in bold)

		Est.	S.E.
<b><i>Fixed terms</i></b>			
Constant		<b>2.39</b>	<b>0.71</b>
Problem type	Employment	0.00	-
	Housing	-1.68	0.90
Search type	Simple	0.00	-
	Specific	<b>1.03</b>	<b>0.40</b>
	Question	0.41	0.38
Search engine	Google	0.00	-
	Yahoo	<b>-0.72</b>	<b>0.31</b>
Position in search results		-0.18	0.04
<b><i>Random variance terms</i></b>			
Search level		<b>0.55</b>	<b>0.28</b>
Hypothetical question level		<b>1.84</b>	<b>0.93</b>

As shown in Table 46, compared to employment searches, landlord problems related to a reduction in the likelihood of relevant sites. The difference fell marginally short of statistical significance (testing the model term;  $\chi^2_1 = 3.47$ ,  $p = 0.062$ ), though in percentage terms (simulating from the model in Table 46 and keeping other variables proportional to their representation in the dataset as a whole) relevant results might be expected around 75 per cent of the time for employment searches compared to only 50 per cent for housing searches. If a single-level model is fitted, the difference between problem types is highly significant, highlighting the importance of correctly modelling the data structure and the tendency for relevance to cluster by search and hypothetical question (discussed further below).

Different types of search term related to significant variations in the likelihood of relevant results. Compared to use of a ‘simple’ search term, a ‘specific’ search related to a significant increase in the likelihood of a relevant result (testing the model term;  $\chi^2_1 = 6.52$ ,  $p = 0.011$ ). There was also an increase in the likelihood of a relevant result for question based searches (when compared to ‘simple’ searches) though the difference fell well short of statistical significance ( $\chi^2_1 = 1.15$ ,  $p = 0.28$ ). Simulating from the model in Table 46 and keeping other variables

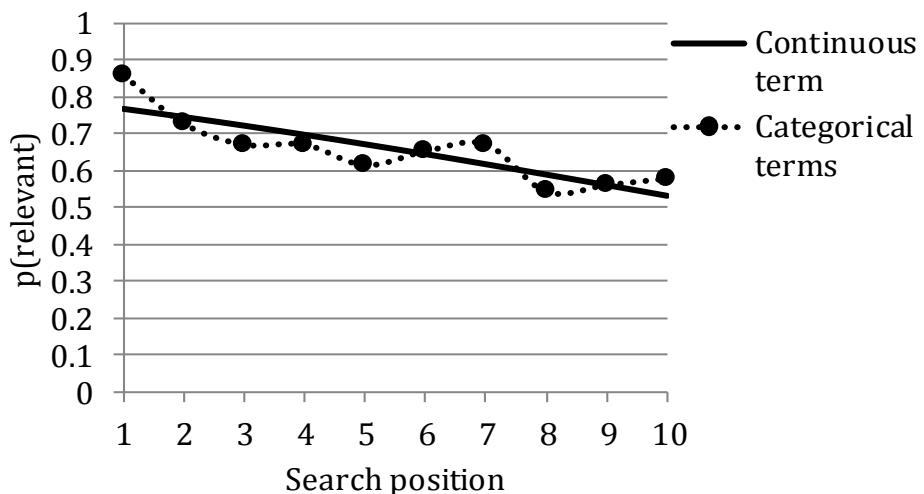
proportional to their representation in the dataset as a whole, yielded the results presented in Figure 18.



**Figure 18.** Probability of a relevant site by type of search term (holding other variables proportional to their overall representation in the dataset)

There was also a significant difference in the likelihood of yielding relevant results between search engines. Compared to Google, Yahoo was significantly less likely to yield significant results ( $\chi^2_1 = 5.25$ ,  $p = 0.022$ ). Simulating from the model (holding other variables proportional to their overall representation in the dataset), a Google result could be expected to be relevant around 70 per cent of the time compared to 59 per cent for Yahoo.

Position of sites in search results was also significantly related to relevance. Including a continuous position term (up to ten sites per page of results) as shown in Figure 19 indicated that likelihood of a relevant site decreased significantly as search position increased ( $\chi^2_1 = 18.20$ ,  $p < 0.001$ ). Figure 19 shows the relationship between position and relevance, again simulated from the model in Table 46. As can be seen, likelihood of relevant results falls from around 77 per cent in position one to 53 per cent in position 10. Figure 19 also shows results if ‘position’ is entered in the model as a categorical rather than a continuous predictor, the overall picture remains much the same with relevance falling, as sites progress further down a search list. However, using a categorical predictor highlighted the importance of the first position in searches, with a clearly higher likelihood of relevance.



**Figure 19.** Probability of a relevant site in search, fitting position as a continuous and categorical predictor (holding other variables proportional to their overall representation in the dataset)

Significant random terms suggested that relevance tended to cluster by both individual search ( $\chi^2_1 = 3.91$ ,  $p = 0.048$ ) and by hypothetical question ( $\chi^2_1 = 3.90$ ,  $p = 0.048$ ). Evidently relevant results were more common for some searches/questions than others, with implications for obtaining useful information from the Internet.

Table 47 summarises likelihood of a relevant website for search engine, search type, problem type and position simultaneously.

**Table 47.** Probability of a relevant site (simulated from the model in Table 46) for various combinations of problem type, search engine, search type and search position

Problem Type	Search Engine	Search Type	Position		
			1	5	10
EMPLOYMENT	Google	Simple	0.83	0.75	0.62
	Google	Specific	0.91	0.86	0.77
	Google	Question	0.87	0.80	0.69
	Yahoo	Simple	0.75	0.65	0.51
	Yahoo	Specific	0.86	0.79	0.67
	Yahoo	Question	0.80	0.71	0.58
HOUSING	Google	Simple	0.61	0.50	0.36
	Google	Specific	0.75	0.66	0.52
	Google	Question	0.67	0.56	0.42
	Yahoo	Simple	0.49	0.38	0.26
	Yahoo	Specific	0.65	0.55	0.41
	Yahoo	Question	0.56	0.45	0.31

### 5.5.3 Quality of Websites Evaluated

The employment resources achieved a problem support score of 3.7 out of 7 (SD=1.5) and the housing resources scoring a problem support score of 3.0 (SD=1.5), meaning the employment resources offered better problem support. This was also true of the skills support offerings, with employment resources achieving a mean of 0.5 out of 6 (SD=0.8) and housing resources achieving a mean of 0.2 (SD=0.4). However, there was little difference between the credibility scores attributed to the housing and the employment resources. Housing resources achieved a mean credibility score of 3.9 out of 5 (SD=1.4) with employment resources obtaining a credibility mean of 4 (SD=1.2).

As the problem support score was comprised of 7 characteristics, the skills support score comprised of 6 and the credibility score comprised of 5, the scores were standardised. Of 381 relevant websites/search results, the mean problem score was 0.49 (SD = 0.21), the mean skill support score 0.07 (SD=0.11) and the mean credibility score 0.78 (SD =0.25).

These scores did differ on the basis of the website type, with different website types resulting in variation in problem support, skills support and credibility. In respect of website type, in relation to both hypothetical problem types, mean problem support, skills support and credibility scores were typically higher for government and third sector websites than for other website types. A few anomalies to this general rule did exist. Credibility and problem support scores were far higher for union websites than for any other type of website in relation to the employment hypothetical, at a rate of 0.87 for Credibility (SD=0.1) and 0.79 for problem support (SD=0.2), translating to mean unstandardised scores of 4 out of 5 for credibility and 5 out of 7 for problem support. In respect of the housing hypothetical, commercial websites tended to score far lower on problem support than commercial websites evaluated for the purposes of the employment hypothetical. Overall, irrespective of the type of website, all fared quite poorly in terms of skills support. Only a small number of websites (20.1%) met the criteria for ‘providing information specific to young people’, most often, these websites were provided by the government (58.1%), the commercial sector (18.9%) and the third sector (13.1%).

Table 48 presents the mean problem support score, skills support score and credibility of the websites evaluated during the course of this study as distinguished by search engine and search term used. As can be seen in Table 48 there was not a great deal of difference between the search engines/search terms in respect of the scores they achieved on the skills support scale. Skills support mean scores ranged from 0.01 to 0.12 which equated to less than 1 out of 6. For problem support, the mean ranged from 0.30 to 0.58 (2.1- 4.06 out of 7) across the housing and employment problem types, however there was less variation within the problem types, combined with relatively large standard deviations. Again in respect of the credibility score, differences were minimal irrespective of search term type, ranging from 0.68 to 0.87 (3.4 - 4.35 out of 5). Interestingly, standard deviations did not tend to vary widely across the search engines or search term types used, suggesting that the variation in the quality of results were similar for both search engines.

**Table 48.** Scoring of websites appearing in search results distinguished by search term and search engine used

Search	Search	Problem Support Score			Skills Support Score			Credibility Score			
Engine	Phrase	Mean	SD	N	Mean	SD	N	Mean	SD	N	
EMPLOYMENT	Google	<i>Simple</i>	0.55	0.21	37	0.09	0.12	37	0.83	0.20	37
		<i>Specific</i>	0.58	0.19	44	0.12	0.14	44	0.83	0.22	44
		<i>Question</i>	0.50	0.22	46	0.06	0.10	46	0.79	0.26	46
	Yahoo	<i>Simple</i>	0.54	0.22	32	0.09	0.13	32	0.81	0.22	32
		<i>Specific</i>	0.54	0.23	40	0.11	0.16	40	0.75	0.23	40
		<i>Question</i>	0.49	0.23	47	0.07	0.10	47	0.76	0.25	47
	Google	<i>Simple</i>	0.52	0.18	24	0.05	0.09	24	0.87	0.23	24
		<i>Specific</i>	0.44	0.19	28	0.03	0.07	28	0.84	0.23	28
		<i>Question</i>	0.48	0.22	27	0.01	0.04	27	0.78	0.31	27
LANDLORD	Yahoo	<i>Simple</i>	0.39	0.24	15	0.06	0.12	15	0.69	0.29	15
		<i>Specific</i>	0.30	0.15	23	0.01	0.03	23	0.69	0.25	23
		<i>Question</i>	0.40	0.22	18	0.02	0.05	18	0.68	0.35	18

In respect of the mean standardised problem support, skills support and credibility scores for the employment hypothetical, the scores did not vary substantially across the questions themselves. This was also true of the housing questions in respect of the problem support score. However, in relation to the housing questions, H3 ('Has Alisha Broken her tenancy agreement by not paying rent') was associated with higher mean skills support and credibility scores than the other questions.

Predicting the influence of various factors on the quality of search results acquired, Table 49 shows output from three multilevel models of website content yielded from search results (for problem score, skill support score and credibility score respectively), modelling score on the basis of problem type, search type, search engine and position in the search results and type of website. Again, the model also included search and hypothetical question level random terms to correctly model the data structure.

**Table 49.** Multilevel model output modelling website scores (problem, skill support and relevance score) on the basis of problem type, search type, search engine, position in search results and website type (significant terms are shown in bold)

		Problem Support Score		Skill Support Score		Credibility Score	
		Est.	SE	Est.	SE	Est.	SE
<b><i>Fixed terms</i></b>							
Constant		<b>0.68</b>	<b>0.04</b>	<b>0.12</b>	<b>0.04</b>	<b>0.82</b>	<b>0.05</b>
Problem Type	Employment	0.00	-	0.00	-	0.00	-
	Housing	0.05	0.04	-0.05	0.06	0.12	0.07
Search Type	Simple	0.00	-	0.00	-	0.00	-
	Specific	0.00	0.04	-0.00	0.03	0.04	0.04
Search Engine	Question	-0.02	0.04	-0.05	0.03	-0.04	0.04
	Google	0.00	-	0.00	-	0.00	-
	Yahoo	-0.00	0.03	-0.00	0.03	-0.05	0.03
		0.00	0.02	0.01	0.02	0.00	0.02
Position in Search Results		0.00	0.02	0.01	0.02	0.00	0.02
Type of Website	Government	0.00	-	0.00	-	0.00	-
	3 <sup>rd</sup> sector/Union	-0.06	0.04	0.05	0.04	0.09	0.05
	Commercial	<b>-0.31</b>	<b>0.06</b>	-0.02	0.05	-0.01	0.06
	Other	<b>-0.58</b>	<b>0.06</b>	<b>-0.11</b>	<b>0.06</b>	<b>-0.21</b>	<b>0.07</b>
<b><i>Random variance terms</i></b>							
Search Level		<b>0.01</b>	<b>0.00</b>	<b>0.01</b>	<b>0.00</b>	<b>0.01</b>	<b>0.00</b>
Hypothetical Question Level		0.00	0.00	0.01	0.00	0.01	0.00

As can be seen in Table 49, problem type, search type, search engine and position in search did not have a significant association with score in any of the three models. The closest terms to significance were ‘question-based’ searches, which related to a reduction of 0.05 in the skill support model (when compared to simple searches) and housing problems in the credibility score model, which related to an increase of 0.12 (when compared to employment problems). However, both fell short of statistical significance ( $\chi^2_1 = 2.61$ ,  $p = 0.11$  and  $\chi^2_1 = 3.11$ ,  $p = 0.078$  respectively).

There were differences in all three scores by website type. In the problem score model, compared to government websites, both commercial ( $\chi^2_1 = 29.5$ ,  $p < 0.001$  – reduction of 0.31) and ‘other’ websites ( $\chi^2_1 = 104.87$ ,  $p < 0.001$  – reduction of 0.58) related to highly significant reductions in score. In the skill support and credibility models, compared to government websites, again ‘other’ websites were associated with significant score reductions ( $\chi^2_1 = 4.05$ ,  $p = 0.044$  – reduction of 0.11 and  $\chi^2_1 = 8.40$ ,  $p = 0.004$  – reduction of 0.21 respectively).

There was also evidence of significant clustering in scores by search in all three models ( $\chi^2_1 = 21.90$ ,  $p < 0.001$  (problem support score),  $\chi^2_1 = 21.62$ ,  $p < 0.001$  (skill support score) and  $\chi^2_1 = 21.68$ ,  $p < 0.001$  (credibility)).

## 5.6 Discussion

### 5.6.1 Summary of Results

#### 5.6.1.1 *Search Results*

For the employment questions, 40.3 per cent of web pages derived from government websites, 15.6 per cent from the third sector, 28.4 per cent from the commercial sector, 8.1 per cent from online news sites, 3.8 per cent from discussion boards, 3.4 per cent from union sites and 0.3 per cent from blogs. For the housing problem, webpages were more commonly commercial sites (38.8%). 23.1 per cent came from third sector sites, 14.6 per cent from government sites, 10.0 per cent from discussion boards, 6.9 per cent from blogs, 4.2 per cent from ‘other’ sites and 2.3 per cent from news sites.

Results found that for the employment questions, both ‘simple’ and ‘specific’ search terms were associated with similar levels of ‘government’ and ‘third sector’ websites. Question-based search terms yielded the highest number of discussion

board websites. However overall, differences between search term types were small. This was also the case in relation to the housing questions, although here specific search terms appeared to generate a larger number of commercial websites.

#### *5.6.1.2 Search Engines and Terms*

Google was associated with generating a greater number of results from government and third sector websites than Yahoo for the housing questions. For the employment questions, although Google yielded a greater number of government websites, Yahoo presented third sector websites slightly more often. In relation to both problem types, Google also presented less commercial webpage listings in search results than Yahoo did.

Looking at the interaction between search term type and search engine used, specific search terms used with the Google search engine for the employment questions yielded more ‘reputable’ sources of advice including ‘government’ websites, ‘third sector’ websites and ‘union’ websites more often than the other search term forms. When using the Yahoo search engine, ‘question’ based search results more often produced these types of web pages.

For the housing hypothetical, when using the Google search engine, ‘simple’ search terms more commonly presented a greater number of ‘government’ websites in search results listings, but resulted in less third sector websites. The presence of government websites in the yahoo search results for the housing hypothetical was very low irrespective of the search terms used. ‘Question’ search terms yielded the highest number of government website and yielded the greater number of ‘discussion board’ websites appearing in search results.

#### *5.6.1.3 Relevance*

Of 580 individual search results, 381 (65.7%) could be classed as relevant to the question at hand. Irrespective of problem type or search engine used, ‘specific’ search terms produced the most relevant content. However, Google generated slightly higher rates of relevant content overall, compared to Yahoo.

Output from the multilevel binary logistic regression model found that compared to employment searches, landlord problems related to a reduction in the

likelihood of relevant sites being included in results listings. The difference fell marginally short of statistical significance, though in percentage terms (simulating from the model and keeping other variables proportional to their representation in the dataset as a whole) relevant results could be expected around 75 per cent of the time for employment searches compared to only 50 per cent for landlord searches.

Search terms related to variations in the likelihood of relevant results. Compared to use of a ‘simple’ search term, a ‘specific’ search related to a significant increase in the likelihood of a relevant result. There was also an increase in the likelihood of a relevant result for question based searches (when compared to ‘simple’ searches) though the difference fell well short of statistical significance.

Compared to Google, Yahoo was significantly less likely to yield significant results. A Google result could be expected to be relevant around 70 per cent of the time compared to 59 per cent for Yahoo.

The position of sites in search results was also significantly related to relevance, with the likelihood of a relevant site decreasing significantly as search position increased. Additionally, relevance tended to cluster by both individual search and by hypothetical question, meaning that relevant results were more common for some searches/questions than others.

#### *5.6.1.4            Quality*

Of 381 relevant websites/search results, the mean (standardised) problem score was 0.49 (SD = 0.21), the mean skill support score 0.07 (SD=0.11) and the mean credibility score 0.78 (SD =0.25). While scores did not vary significantly as a result of search type and search engine, these scores did differ on the basis of website type. Problem support, skills support and credibility scores were typically higher for government and third sector webpages than for other webpage types, although they were by no means perfect.

Modelling score on the basis of problem type, search type, search engine and position in the search results and type of website using three multilevel models of website content yielded from search results, demonstrated that problem type, search type, search engine and position in search did not have a significant association with score in any of the three models. However, as suspected, there were differences in all three scores by website type. In the problem score model, compared to government

websites, both commercial and ‘other’ websites related to highly significant reductions in score. In the skill support and credibility models, compared to government websites, again ‘other’ websites were associated with significant score reductions.

### **5.6.2 The Nature of the Web**

As hypothesised and as has been suggested by Smith (2013) and Smith and Paterson (2014) most resources in the online legal information space appear to be provided by the government and third sector. This ratio did differ between the Google and Yahoo search engines, with Yahoo more commonly including commercial web pages in search results listings. Although neither search engines offered paid-for-inclusion, it has been noted that Google is strictly opposed to website providers engaging in any practices akin to search optimisation, it may be that Yahoo’s algorithm is more responsive to optimisation strategies. It is not certain why the main providers in the social welfare law field are the government and third sector. As Barendrecht notes (2010, 2011) it may be to do with the ability to make money from the provision of information. Many of the commercial websites offering information, restricted this information to ‘problem support’, encouraging the public to consult a legal advisor to assist with ‘skills support’ information, as part of an overall sales strategy. As can be seen in the results, commercial websites offered information of a lesser quality than non-commercial websites, but this was partly due to their tendency to limit the quantity of information provided.

### **5.6.3 The Influence of Search**

Results highlight that there is at least some evidence that the way in which you go about searching for information online will have an impact on the type, relevance and quality of the information that is acquired. However, factors associated with type, relevance and quality are not entirely clear and this is in part a consequence of this study being constrained by the problem type and scenarios presented in the hypotheticals. Nonetheless some patterns arise.

Search term type did not appear to influence the type of material procured, with the exception of Yahoo where irrespective of search term type, commercial websites were more commonly found in search page results. As suggested, this may have been associated with differences in retrieval algorithms (Huffman and Hochster 2007, Huffman 2008, Radlinski et al. 2008). However, as hypothesised, search term type, search engine and position in search did have an influence on the relevance of webpages produced, with 'specific' search terms yielding more relevant results, Google producing more relevant results overall, and position in search results relating to relevance. Given the way in which search engines rank search results according to relevance, the fact that relevance was associated with position is not a surprising finding. From a user perspective, it assumes of course that individuals are aware of this ranking process.

As was shown in Chapter 4, younger users and non-law students tended towards simple and question-based search terms more commonly. The fact that these search term types more commonly led to irrelevant results, may explain the incidence of irrelevant sites being used by participants in the study described in Chapter 4 even although in that study, search term type was not found to be significantly linked to relevance. In the context of the present study, it is clear that both the adoption of 'simple' and 'question' based search terms leads to a greater number of irrelevant websites, for young people who are more inclined to use these search term types (as found in Chapter 4), this exposes them to a greater amount of irrelevant material. For young people who lack the experience and the patience (Shenton and Dixon 2004) to select suitable resources, this places them at greater risk of relying on inappropriate sources of online advice.

As documented by a number of authors (see e.g. Lyons et al. 1997, Schacter et al. 1998, Bilal 2002, Dinet et al. 2004) individuals often struggle to conceive of search terms and many individuals will not perceive their problem as being legal in nature (Pleasence et al 2010b, 2011). While in this study, search term type did not influence the type of material being produced (government, third sector, discussion board etc...) at a statistically significant level, the results demonstrate that use of question-based search terms more often led individuals to discussion board websites. As the findings from this study show, discussion boards (which came under the rubric of 'other' websites) were associated with a statistically significant reduction in scores achieved on the 'problem support', 'skills support' and 'credibility' measures.

Although experiential websites can offer personalised insight into the process of resolving a civil justice problem, findings from this study suggest that they are somewhat limited in the accuracy and quality of advice provided. For young people, who are less aware of issues of credibility and who as Perry (1970) notes, may not be at the stage where they are aware of the need to 'seek out authorities', discussion boards may thwart the obtainment of more reputable information where they are being used in preference to other sites. As has been noted in Chapter 4, this could be remedied through providing experiential information on mainstream websites, in addition to the provision of advice in existing formats.

#### **5.6.4                    Quality of Material Online**

In terms of the quality of material acquired, as was the case for Advice Now in 2006 and as was hypothesised here, there was greater availability of 'problem support' material than 'skills support' in the material evaluated. Comparing the mean problem support and skills support scores found here to those found by Advice Now in 2006, in respect of housing the mean problem support score (standardised to reflect the additional criteria included by this study) has dropped since 2006, with Advice Now finding a mean of 0.60 and this study finding a mean of 0.43. Mean skills support for the housing resources was lower than that found by Advice Now, presently rated at 0.20 compared to 1.50 for Advice Now. For the employment resources Advice Now scored a mean of 0.58 on their problem score compared to a mean of 0.53 for the present study and a mean of 1.60 on skills support compared to this study's mean of 0.50. It should be noted however that direct comparison between the Advice Now study in 2006 and the present study is not entirely precise. Advice Now sought to review a range of existing resources already known to service providers, whilst this study sought to review the resources individuals might be directed to via a search engine. In addition, this study found relatively few providers offering content tailored to young people (20.1%). While this was more common in the employment law questions (given the relevance of age to the hypothetical itself), only one website providing housing law information offered content aimed at young people.

With commercial websites typically scoring lower in terms of quality, insofar as these hypothetical questions are concerned, Google results offer a greater chance of finding relevant and higher quality content. It seems however that the public does

not need much convincing as to the superiority of Google, judging by current market share statistics (Hand 2013). The results demonstrate however that search engines do have a role to play in directing individuals to relevant content. However, if as Lorenzen (2001) and Baule (1997) have found, young people struggle to assess website quality in the absence of ‘gatekeepers’, then the power of search engines should not be underestimated. This is particularly true when considering the findings detailed in Chapter 4 where even those directed to a website used a search engine to help them navigate to (and in some cases within) web resources more quickly.

Although search engines are becoming more responsive to user’s needs – as demonstrated by new innovations introduced by Google – certain authors suggest that there is still a role to play for IT training in helping individuals distinguish and navigate between online sources of advice (e.g. Brand-Greuwal et al 2009, Tabatai and Shore 2005, Eysenbach and Kohler 2002). The extent to which some of these skills can be taught or whether they are simply by-products of maturation remains an area of research interest.

### **5.6.5 The Sufficiency of Online Resources**

Findings from this study indicate that problem support information is available, however such information does not always include content specifically aimed at young people. Additionally, the problem support material offered by ‘commercial’ and ‘other’ websites tends to be of lesser quality. As was hypothesised, in spite of the availability of problem support information, there is a clear dearth of ‘skills support’ information. This shortage persists irrespective of the type of website information is acquired from, although is particularly difficult to find in ‘other’ webpages. These findings are similar to those found by Advice Now in 2006 and suggest that while the sources of advice and the availability of information may have changed over the last eight years, online advice providers have (for whatever reason) not yet embraced the Internet as a means by which to convey more proactive self-help ‘capacity-building’ content.

In discussing the findings arising from the experiment, Chapter 4 noted that it was difficult to determine whether the gap between ‘knowledge’ and ‘action’ shown in participant responses was due to the availability of action-orientated (‘skills

support') information, or whether it was due to the capacity of participants to find this information or to translate information found, into action. Findings from this study suggest that participants in the experiment (and the public more generally) will likely find it easier to obtain information to help them understand their rights than information that helps them determine how these rights can be enforced. Nonetheless, these results need to be interpreted with caution. As Chapter 4 (in conjunction with the existing literature) has shown, it is not simply a matter of providing information online in the hope that individuals will find it. Although users may benefit from greater skills support information, this is no guarantee that they will find this information, or feel confident acting upon the advice given. Conversely, realising the potential that the Internet may offer requires that service providers are willing to address some of the shortcomings that are readily apparent in the information contained online.

### **5.6.6 Policy Implications**

The findings from this study reinforce three key points for policy makers: (1) self-helpers need information about their rights and about how to enforce these rights, the steps to take, the processes to follow and in some cases, how other people have fared when addressing similar issues; (2) it is important not to underestimate the importance of search engines and dominance of certain search brands; (3) addressing these issues will cost money, they may not directly translate improvement in legal capacity for all users, but if the current failings are not addressed, then the public cannot be expected to self-help using the Internet.

If those who are using the Internet to obtain information are doing so with a view to acquiring both rights and action orientated detail, the results from this study indicate that more needs to be done to support the provision of the latter. The form that this advice takes may vary, although findings from Chapter 4 suggest that conveying information in a more experiential manner may be beneficial for some users, particularly those who are young.

This study has highlighted that search engines and search terms do influence how individual's interact with information available online. Policy makers will also need to be conscious of the information seeking goals of the public when searching

for information, as this will have an impact on the resources they are exposed to and the route they take to information. The keywords a website uses will help index it within a search engine. Ensuring that keywords reflect the wide variety of information seeking goals the public may have in mind (including directed searches and undirected searches) will ensure that reputable websites remain high in search rankings irrespective of the formulation of an individual's search.

It also means that content should reflect some of the likely information seeking goals the public has in mind when going online and this will include not just the answer to general open-ended questions but also more specific close-ended questions – as they relate both to rights and action. Determining these keywords will pose a challenge in that they will require an element of creativity on the part of website designers. While this study has demonstrated some of the potential phrasing that may be used, it is likely that this will vary greatly among the population. Tools such as 'Google Trends' may be useful in determining the popular terms searched for in the field of law and findings from Chapter 4 provide greater insight as it relates to the search terms used by young people in the obtainment of housing and employment law information.

Finally, there are aspects of government policy, which are likely to be of direct threat to access to justice. As has been previously noted, whilst it is not entirely clear whether the intent of LASPO is to push disputes away from formal processes into the 'shadow of the law' or whether intended to achieve budget reductions the outcome is largely the same: the general public will be required to do more to help themselves in the face of civil justice disputes. A government intent on facilitating self-help should be putting greater effort into the development of resources to assist the public to self-help. With the Internet providing the most convenient source of information, the Internet should be a growing field for government. Yet, as was noted in Chapter 2, the government has recently indicated a desire to move away from the provision of legal help information, paring down content available on the gov.uk website and using it as a mechanism to signpost individuals to content provided by other organisations. This reduces the government's costs and maintenance requirements, but places greater onus on the third sector to continue to provide good quality, reliable and unbiased material. It is also possible that LASPO was aimed less at cost cutting and more at ideology. That said, there has been no

move yet to reduce funding provided by the Department for Business, Innovation and Skills to the Citizen Advice Bureau website.

Government and third sector websites populate the current provision of online information; there appears to be a clear market failure and little incentive for the private sector to provide online information for certain social welfare issues. In the absence of government and third sector resources, it is likely that experiential websites such as discussion boards will gain prominence. This poses a risk for consumers, particularly young users, who in the absence of alternatives sources of advice or the capacity to distinguish between credible sources of advice, may simply rely on the most convenient and most accessible information they can find.

Irrespective of present thinking, the government should consider the provision of self-help material and initiatives to improve the public's knowledge of rights, a constitutional obligation, in line with the thinking that, "It is a fundamental requisite of the rule of law that the law should be made known (Justice Burton in *R (Salih and Rahmani) v Secretary of State for the Home Department* [2003] EWHC 2273 (Admin)). If we are to ever hope that the law is to be accessible to all and all are to be equal before it (Bingham 2007, Dicey 1885) the government has primary responsibility for equalising imbalances in power by ensuring that an individual is not disadvantaged because of their inability to pay for access to information. Whether the government decides to provide this information itself, or seeks to outsource it to another service provider remains a matter for policy makers.

### **5.6.7 Future Research**

There is clear scope to expand the methodology employed in this Chapter to a broader range of problem types and scenarios, although findings in Chapter 4 illustrate that there would be little merit in extending a methodology such as this to include results detailed on the second page of search engines. This methodology may also have merit in exploring various search techniques in acquiring 'more general' information from web resources as opposed to acquiring more specific information relating to nuanced points of law. There is also potential to generate a greater number of search terms to address Rose and Levinson's (2004) broader range of 'informational' search categories. Crucially, given the research of Pleasence et al

(2010b, 2011) future research may benefit from a greater focus on how search results differ for various problem types depending on the extent to which the search terms used belie an individual's perception of the problem as one which is legal. These avenues of enquiry remain questions for future research and the findings will be of continued importance in determining what role the Internet does and should play in widening access to justice.

## 6. CONCLUSION

This thesis set out to answer a number of key questions relating to the role that the Internet might play in the resolution of ‘civil justice problems’ for young persons. In answering these questions, a number of important issues have been raised which have implications for policy and theory.

### 6.1 Access to Justice in a ‘Big Society’

As Chapter 2 found, over the last few years there has been increasing interest in online services as a means by which to modernise the state, widen access to ‘citizen-centric’ public services and reduce the cost of traditional modes of providing public services (Cabinet Office 1999, 2005, 2009, HM Government 2010). The achievement of these objectives remains the subject of great debate both within and outside of government (Parker 2003, National Audit Office 2007). Nonetheless, the Internet has, to varying degrees, become a permanent feature of modern citizen-state interactions. The influence of the Internet is set to expand even further, with the government having announced in 2012 that it intends to shift to a model of (single-channel) ‘digital-only’ delivery in transactional public services over the coming years (HM Treasury 2012).

Within legal aid, recent years have seen a government keen to stress the role of the Internet as legal information and self-help tool and as part of this, up until 2009 significant resources were invested in expanding the online offerings of the Community Legal Advice (CLA) Service. Reductions in the availability of traditional forms of access to advice (as enshrined in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)) have seen some commentators argue that self-help (including online self-help) may be the only route via which some are able to resolve their civil justice disputes (see e.g. Public Bill Committee 2011). It is arguably poor timing that LASPO 2012 has coincided with a contraction in the government’s digital estate, with government websites migrated to gov.uk where content has been pared down. As illustrated in Chapter 4, the effect of these changes can already be seen. The gov.uk website proved less useful for users when trying to obtain information than the direct.gov.uk site and it is likely that this is due to the

fact that much of the content from the direct.gov.uk website was not carried across to gov.uk.

This rationalisation of the government's web presence is not just a matter of austerity, but one of responsibility. A change in political leadership as a result of the 2010 election has meant a simultaneous change in political philosophy dictating the extent to which the government sees the state as being responsible for delivering legal information and advice services (whether online or offline). Re-conceptualising the individual as part of a community collective, formed a large part of the Conservative Party's platform in the lead-up to the 2010 election. This re-conceptualisation was evidenced by the push for a 'Big Society' founded on community spirit, decentralisation of powers and volunteerism and one which would be fostered by the Conservatives' pledge to "change society to encourage more responsibility" (Conservative Party, 2010b: 3). Whether or not the 'Big Society' mentality – one in which the individual is ascribed greater responsibility for handling their own affairs (with the help of the community) - can be said to underpin changes to legal aid, or whether LASPO reflects a more directed attempt to shift individuals away from resolving civil justice disputes via the law is not entirely clear. While little has been said of the 'Big Society' since its use in the election campaign of 2010, it does appear that the Ministry of Justice's new 'Online Legal Advice Service' reinforces the government's present thinking that the 'community' should assume certain responsibilities generally considered an obligation of the state. Rather than attempting to help individuals resolve their 'legal problems', the new service signposts individuals to other sources of advice, notably third sector providers.

Much has previously been said about the incidence of referral fatigue – that is, the fact that those who are continually shifted from one provider to another, will eventually stop seeking advice (see e.g. Pleasence 2006). In the online environment, the same has been seen: individuals choose the Internet for its convenience and they can become easily frustrated with the process of advice seeking (Nicholas et al. 2003, EdComms 2007, Bilal and Kirby 2002, Cockburn and Jones 1996 Landauer et al. 1992). If anything, the Online Legal Service is likely to exacerbate issues in seeking advice online. A signposting service such as this is arguably redundant when signposting tools like Google or Yahoo are already embedded in the public psyche in a way that the Ministry of Justice website is not. The new service may merely enable the government to evade responsibility for providing more thoughtfully conceived

and less hastily produced online advice services. Assuming that visitor numbers are low (as seems likely since (for a start) the service failed to appear in any of the participant web searches in Chapter 4 or any the searches conducted in Chapter 5) this will justify the site's later 'rationalisation' into the scrapheap of public policy ideas that may well have done some good, if only they had been better executed.

Chapter 5 has highlighted that the market is a poor provider of self-help information for those with social welfare law needs, yet the provision of this information is a public good. Is it acceptable that the provision of this 'public good' information, one that addresses a key constitutional principle, is now considered a charitable rather than a constitutional duty? The answer to this question depends primarily on how 'access to justice' is defined. The current government (formed not wholly, but certainly in the majority by Conservative party members), has long had leanings towards classical liberal political doctrine, characterised by a small state and a laissez-faire approach to economics. As discussed in Chapter 2, while classical liberalists agree that all individuals have a 'natural right' to access justice, they also posit that the right to bring and defend a civil claim does not require affirmative action from the state. The only obligation of the state in the promotion of access to justice is that the right to bring a claim is protected from infringement by others. As such, it is not of interest to the state whether an individual can, in practice, recognise his or her legal rights and defend these, either through the obtainment of personal legal capacity or the ability to buy this capacity by way of legal representation. Such a system reinforces the priority of formal over effective access to justice – or put another way, the difference between objective and subjective legal empowerment. However, in light of the evolution of our constitution, the principles enshrined in the rule of law, the Human Rights Act 1998 and more generally, the collective rather than individualistic nature of modern societies this approach to access to justice has become increasingly archaic (Cappelletti et al. 1976). Accordingly, access to justice is more often seen as a goal that requires affirmative action from the government, especially given that 'active citizenship'<sup>40</sup> has been seen as a barometer of democracy (see e.g. Marshall 1950, 1964, Johansson and Hvinden 2007).

Access to Justice is not just about formal legal systems, it is also about the realities of accessing these systems. Perfect equality of arms between parties is clearly unrealistic, but if access to justice is to be 'effective', the public should have

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<sup>40</sup> The extent to which those in society are aware of their rights and how to enforce them.

the competence to pursue or defend a claim. It is also the case that if justice is to be effective, the public must have a choice (within reason) in how it is that the matter is resolved and the routes of resolution open to them. While the government's responsibility to protect the principles enshrined in the constitution cannot be entirely discharged through the provision of rights-based information, such provision is at least a start. This places responsibility for providing information to help the public better understand and enforce their rights, firmly on the shoulders of the government. This is not a new concept, having been proposed over a decade ago by the Public Legal Education Taskforce (Advice Services Alliance, Citizenship Foundation, Legal Action Group. 2004, 2005, PLEAS Taskforce 2007). In light of recent changes to government policy, this is a principle that merits reaffirmation.

Nonetheless, there are challenges to be faced when attempting to provide the public with information and advice for 'civil justice problems'. Mode of service provision is a factor that requires careful consideration, particularly where this takes place online. Findings from this study do not discredit the potential utility of the Internet as a tool (one of many) to promote access to justice, however both service providers and service users benefit where the limitations of the Internet to promote access to justice are recognised. Providing information online will not (in and of itself) guarantee improvements in the legal capability of the general public. As this study has shown, a number of institutional, sociological, psychological and technological factors persist to test even the most able web designer and innovative policy maker.

## **6.2 Technological Adoption: Barriers and Challenges**

### **6.2.1 Dysfunctional Decision-Making**

In terms of the institutional barriers to advancing the role that technology can play in access to justice, it is clear that technology adoption by public services has been affected by changes in political leadership, financial woes, privacy issues and most significant of all, problems with consistency, coordination and collaboration across government departments. The idea that government department's often work in 'silos' – developing policy without reference to policy developments emerging in other areas of government – is not a new concept. Nevertheless, it seems an

indictment on the efficacy of our public policy-making system that two radical policy changes (digital rationalisation and LASPO 2012) could coincide without any thought given to the implications for users. While the timing may have been deliberate, the adverse outcomes that subsequently accumulate, are surely not. The research literature has increasingly come to acknowledge the interconnectedness between civil justice and issues of health and social welfare (see e.g. Coumarelos et al 2013, Pleasence 2006, Pleasence et al. 2011). As this interconnectedness becomes more apparent, the lack of coordination and collaboration between departments serving the same underclass of people, increasingly works against the interests of the communities these departments purport to assist.

### **6.2.2 Access and Willingness**

Findings from the CSJPS (Chapter 3) have demonstrated that certain groups are likely to be excluded from online advice and information simply on account of issues of access. Young people identified as not in Employment, Education or Training (NEETs) typically have less access to the Internet than other young people. So, while the availability of the Internet at home is not a crucial factor dictating Internet use for most young people, this may be on account of the fact that young people may access the Internet in places of education or employment. It follows that NEETs will not benefit from these broader points of access and will continue to struggle to overcome the first digital divide (DiMaggio et al. 2004). Technology is however becoming more easily accessible and particularly for those on low incomes, the availability of mobile Internet may offer a route around barriers to traditional access (Hill 2010, Donnar et al. 2011). Certainly, technological developments may address some of these issues, but as Chapter 3 and Chapter 4 have established, individual willingness to use the Internet for the purposes of help-seeking will continue to be an important consideration.

Insofar as willingness is concerned and in spite of changes to the government's digital estate, it is expected that use of the Internet to help resolve 'civil justice problems' (as discussed in Chapter 3) will continue to rise. Of course, LASPO 2012 and the subsequent reduction in the availability of traditional forms of advice may contribute to this increase. Consequently, it is expected that the current generation of young people will turn to the Internet in greater numbers as they age.

However, it does not necessarily follow that Internet use for ‘civil justice problems’ will increase among future cohorts of those aged 16-24. As was previously found to be the case by Denvir et al in 2011, and as remains the case in this study, high levels of access, IT skill development in schools and a seemingly greater interest in technology does not always translate to greater use of the Internet for certain activities such as civil justice advice seeking among young people.

Although technology is capable of changing the public’s help seeking behaviour, this is a long-term ambition. At present it is not clear what value young people place on the Internet as a source of information. Young respondents to the CSJPS often found that they were unable to realise their goals when using the Internet for the purposes of information seeking and while respondents to the experimental study indicated a willingness to use the Internet, there was also evidence of a continued reliance on the emotional and practical support of family members and friends. As the extant literature has highlighted, there may be cognitive and biological forces at work that determine whether young people seek advice from family and friends in the first instance, or whether they turn to online sources of information. More needs to be known about the reasons underlying young people’s advice seeking behaviours in order to determine whether the forces at play are within or outside of the control of web designers and policy makers. As Zhang (2008) has noted, there may also be a connection between how individuals conceptually perceive the Internet as this may influence the extent to which they view it as a useful device for certain functions.

As it stands, young people demonstrated a continued reliance on relatives and friends to assist in the resolution of ‘civil justice problems’ – particularly when it comes to the more practical aspects of problem resolution. Although the third sector will be well versed on the specific needs of socially excluded groups, it bears repeating that social isolated young people will not only experience digital exclusion, they are less likely to have close support networks to turn to for help. Drawing on findings from the field of behavioural psychology, notably the literature around autonomy (e.g. O’Conner et al. 1996), the absence of support networks may disempower these individuals and prevent them from seeking help. As was the case in 1999 when ‘Modernising Government’ was published and again when ‘Civil.Justice.2000’ followed, there will remain a group of people for whom self-help/self-service and online self help/self-service will not be appropriate (Cabinet

Office 1999, LCD 2000). For socially isolated young people, those who are not only more prone to certain problem types, but who are often less well placed to handle such problems, the availability of (free) legal advice will remain a necessary part of safeguarding access to justice.

### **6.2.3 Legal and Technological Capability**

As was found in Chapter 4, young people engage in a number of online behaviours indicative of a diminished capacity to use the Internet for the purposes of advice seeking. Findings from this study afford some insight into how it is that young people go about searching online. As has been found previously in the literature, it appears that young people often have difficulty conceiving of search terms and tend towards search terms that are either too long or too short to be of most use. This hints at technological deficiencies and a lack of understanding as to how search engines work. It may be a developmental issue – with vocabulary expanding as an individual ages. Equally, there was also evidence of poor problem characterisation and reliance on the content of the problems posed to formulate search queries – something that relates to Belkin's (1980) 'non-specificability of informational need'. This would suggest that legal capacity may be diminished and the inability to independently articulate search terms may be linked to a lesser understanding of how the hypothetical problems related to 'the law'.

Young people also demonstrated a continued reliance on search engines to guide them to advice, as was also found to be the case by Eysenbach and Kohler (2002). It was interesting to note that participants often avoided browsing within websites, instead opting to change search terms to yield new results. Such behaviour may be linked to satisficing – attempting to find the answer as quickly as possible. In this case it is difficult to know how much the behaviour of young people would deviate outside of an experimental environment. Alternatively, it may be indicative of the particular 'mental model' the participants had of the Internet and this would be a useful avenue of enquiry to include in future studies of this nature (Zhang 2008). When it comes to the use of websites, particular issues of concern included reliance on disreputable sources of advice, a failure to recognise the jurisdictional relevance of certain information, dependence on search engines to navigate to websites and it would seem, within websites, and the inability of online information to translate to a

greatly improved knowledge of rights or of strategy. These issues arose even in spite of the research cohort being an educated group who identified as medium/broad users of the Internet. Overall, given that many of the studies exploring how young people search the Internet were undertaken relatively soon after the Internet became more widely available to the public (late 1990s, early 2000), it is surprising and perhaps also somewhat worrying that similar behaviours were observed among the sample engaged in this study, since it is expected that familiarity with the Internet would lead to greater technical awareness.

Insofar as the Internet's role in improving legal capability is concerned, it appeared to be a blunt tool. Although young people generally improved their knowledge of rights after Internet use, they still struggled to translate this knowledge into action. While this may be characteristic of the content available online, the findings also suggested that in keeping with the perspective offered by Barendrecht and Porter (2010), legal capability is not simply comprised of knowledge. However, findings from this research suggest that knowledge of rights may discourage self-help. While traditionally it has been thought that knowledge of rights plays a role in equipping individuals to self-help, in Chapter 4 it was observed that young people felt less confident handling their problem independently after using the Internet. It may be that participants' confidence was shaken upon realising that their understanding of their rights was lower than they initially thought. Alternatively it may be that the content they read online encouraged them to seek professional assistance and in doing so 'disempowered' the respondents. As has been observed by Smith (2013) many advice websites provide information and then encourage respondents to seek offline sources of assistance in resolving the problem. The need for professional advice is also encouraged by commercial websites. Individuals must have the confidence to address an issue and the willingness to persist in its resolution, but there remains a need to explore how exposure to certain websites might discourage independent problem resolution.

This study highlights that there is only so much that the Internet can achieve – especially in the absence of a government willing to fund innovative methods of providing this content. While there is a case to be made for the government having a continued role to play in the provision of rights-based information, it is simultaneously recognised that this is not likely to be a priority matter for the government, at least in the near future. However, as the third sector emerges as the

leaders in providing online legal information and advice for social welfare law matters, there are certain findings arising out of this research that may help improve current and future service offerings.

## **6.3 Future Directions**

### **6.3.1 Lessons for Policy**

#### *6.3.1.1 Finding Websites*

One of the most surprising outcomes of this study was the fact that directing young people to a particular website was not associated with a bigger improvement on the knowledge of rights questions. When coupled with participants' reliance on search engines, it raises questions as to the impact of 'direct advertising' of online services, but as was also demonstrated, direct advertising (where the website is remembered by users) may help individuals avoid the pitfalls they might otherwise encounter if left to roam the Internet freely. As was also shown to be the case from respondents to the CSJPS (Chapter 3), there was also a failure to remember the names of websites used – with individuals more often claiming that the website of most help to them was 'Google'. Notwithstanding this, when given a hint, although score improvement was not significantly higher for those without a hint, the hint appeared to have a persuasive effect. Young people associated the website as being helpful even where it was not. This raises some questions about Customer Satisfaction studies, since perceptions of utility will not always reconcile with the actual utility a website offered to an individual, as measured by improvement in capacity to handle a 'legal problem'. It is possible that those who were not provided with a hint, gravitated towards websites in search engine results they had heard of – for example Shelter and AdviceGuide, but it is also possible, having analysed the online behaviour of participants in the experiment, that they gravitated towards higher ranking search results without consideration given to the source.

Findings place clear emphasis on the importance of being at the top of search results rankings and optimising a website so that it stands a better chance of a higher ranking. The extent to which optimisation is successful with certain search engines

may differ, but it is an important consideration in the design of any website, especially given the connection between search term and website retrieval detailed in Chapter 5. At least in respect of Google there is some merit to observing trends in algorithm development. Recent changes by Google suggest that long tailed search queries will start to become a priority for ranking and retrieval. In addition to this, using keywords similar to those words users adopt in their searching will also improve the likelihood that a webpage is considered ‘relevant’ in search retrievals. This study offers some insight into the search terms used which service providers can consider a starting point.

### *6.3.1.2 Improving Content*

The fact that directing individuals to a website did not correspond with a larger increase in knowledge of rights scores, suggests that there may have been issues associated with the format of content provision, or how content was interpreted by young people. When coupled with the fact that the youngest users tended towards ‘question/answer’ content findings from this study endorses the provision of information in this format. This may help young people better contextualise the legal information they are presented with. Given that both AdviceGuide and the Shelter website are operated by advice service providers, obtaining ‘real life’ question/answer based content to publish online should be easy to come by.

As shown in Chapter 5, it was also clear that there are some limitations in the content currently provided online. Little has changed in the balance of information provided between Advice Now’s 2006 study and the present study. There is still a clear emphasis on information support and a paucity of ‘skills support’ content. As has been seen in Chapter 4, skills support is the content that helps individuals ‘mobilise’ the information they have learnt – to translate it into action and to initiate any independent self-help process. While young people demonstrated a preference for offline sources of ‘skills support’ in Chapter 5, clear information that details how individuals might address a problem would offer guidance for those reluctant to or unable to obtain guidance from friends or family. It is also possible that this could be tied into the question/answer-based content detailed previously.

Other jurisdictions have adopted some novel approaches to supporting individuals to undertake self-help. In the US, 20 states are now operating online chat

support for their access services.<sup>41</sup> In the case of Minnesota, this has been taken to a new level, through the provision of ‘co-browsing’, where a telephone support assistant guides a user through an online self-help process. Evaluations have illustrated that these services achieve a highly positive response from users (Zorza 2007), but whether such services are more cost-effective than face-to-face advice remains a question for future research.

### 6.3.2 Lessons for Research

The purpose of this research was not just to gain insight into how young people use the Internet for ‘civil justice problems’ but to also test a new method of data collection. As detailed in Chapter 2 and 4, one of the ongoing challenges for researchers interesting in exploring the online behaviours of certain population groups is how to obtain this data without requiring participants attend computer labs. This is particularly important for researchers who do not have programming experience and those without the budget to pay for external expertise. As the first study to use virtual desktops coupled with Google Chrome as a potential method of collecting data, this study offers some methodological insights. The virtual desktops offered a cost effective and convenient method of collecting data, however, there are some limitations associated with unmoderated remote participation studies. As has been noted in the literature, unmoderated remote participation runs the risk of participants’ satisficing, by rushing through the study in order to obtain the incentive rather than taking the time to respond properly to questions. While the Hawthorne effect is usually undesirable, it does have the consequence of encouraging participants to take the task seriously. Future researchers can factor in indications of this behaviour - weeding out respondents whose time would suggest that they have rushed through the task or whose open-ended responses are not filled in or are left blank. Fortunately, in the context of this study as it was possible to measure how long participants had spent on the task and how long they had spent online. Consequently it was also possible to exclude the results of those participants who

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<sup>41</sup> Information on contacting the Minnesota courts statewide self-help center is at <http://www.mncourts.gov/selfhelp/?page=2861>. Similar information is available for Alaska at <http://courts.alaska.gov/shcabout.htm#1b>.

spent less than five minutes completing the study and this was undertaken as a quality control measure.<sup>42</sup>

In developing a research protocol for future studies of a similar nature, this research also highlighted the importance of double-checking whether participants had completed the study prior to resetting the desktops. There was also evidence that –for future researchers choosing to use Leostream Desktops (although it may not simply be limited to this provider)– that it is beneficial to stagger completion of the study, to ensure that server speed issues do not become a problem. Assuming that these considerations are taken into account, then there is benefit in testing how virtual desktops might be suitable in other research studies exploring user search behaviours in hypothetical situations. The positive response from the sample population, suggested that the convenience of remote participation may help improve response rates in future studies.

#### **6.4 What is the Net Worth?**

At present individuals appear to have confined the role of the Internet to a relatively small component of the overall ‘legal problem-solving’ process. Although it is not entirely clear whether this is because of their own preferences or the limitations of the current online offerings, the challenge for web designers will be to develop online services and materials that defy users expectations. Providing information that is action-orientated (including step-by-step actions to take) in a manner that seamlessly integrates it into more rights-based question/answer type information may lead to more people perceiving online resources as a way to resolve problems, rather than as a fact checking diagnostic device or directory service.

In terms of signposting young people to services, the findings in this research suggest that advertising services both on and offline is a costly way to achieve seemingly very little. Individuals (at least in this study) do not tend to remember the websites they use and do not follow paid for advertisements in search engine results. Even when given a clear advertisement, they often fail to pay attention to it. Given that ‘just in time’ direction to information is most successful, broad spectrum advertising is likely to remain hit and miss since it relies on individuals recalling advertising detail at the time they need it. This means that search engines will

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<sup>42</sup> See further Section 4.3.3.2, Section 4.3.8.

continue to act as the primary mechanism by which individuals arrive at an information website. For online service providers, there will be an ongoing need to keep pace with changes in search engine algorithms that may influence web page rankings. As has been previously discussed Google's new search algorithm has started to prioritise question/answer based webpages, making it all the more important to provide content of this nature. The best that can be hoped is that the algorithms used to generate results, continue to be free from bias. However, there is also a case here for a greater emphasis within the school curriculum on the importance of considering the credibility of a site before relying on the information it provides. Arguably, this must go hand in hand with the transfer of greater legal education skills including the relevance of jurisdiction.

In a fast developing field such as technology, it is expected that with adequate funding online services will continue to improve to provide better support to those seeking information and advice for civil or social justice problems. However, online legal information does not directly equate to improved individual legal capability. As much as the Internet can widen access to justice it can also narrow it. The net worth of online legal information will continue to be dictated by a number of factors, including the quality of information provided and the public's capacity to use it and apply it in a meaningful way. This necessitates ongoing investment in online resources, but it also suggests that investment in public legal services must remain diversely distributed across a range of mode-types (online, telephone and face-to-face).

Certain authors have postulated that as technology improves, our present access to justice woes will be rendered obsolete. This study cautions the reader against assuming that the Internet is a panacea for our access to justice ails. While technological advancements may improve current offerings (assuming that there are profits to be made or elections to win) technology will always be limited by the extent to which a user is capable of interacting with it. The idea that technology will compensate for any lack of capacity on the part of the user is appealing in its simplicity, but this simplicity ultimately underestimates the centrality of the user to the process of civil justice self-help. Advancements in technology should in theory, if not in practice, be predicated on a better understanding of how people interact with technology. As digital frontiers continue to expand, this only reinforces the importance of a continued agenda of research.

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<sup>43</sup> Wallace and Kupperman's original research was cited by Bilal as an online article (Available: <http://mydl.soe.unich.edu/papers/online/search.pdf>. Accessed on April 2, 1998). However this URL is not longer working and the original article could not be acquired. Throughout the body of this thesis, Wallace and Kupperman's research is therefore referred to 'as cited by Bilal 2001' and the author of this thesis relies on Bilal's interpretation of this text in the absence of the original article.

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## APPENDIX A- SURVEY/EXPERIMENT TOOL<sup>44</sup>

Thank you for completing this survey.

You do not have to answer any questions you do not want to. But if you do not want to answer a question, please make sure you click on the 'I'd rather not say' option instead of leaving the question blank.

Please do not use the Internet until you are instructed to do so. This is very important.

**Q1: Please enter your opinio code**

**Q2: Please enter your desktop number**

**Q3: Where do you have access to the internet? (Please select all that apply)**

<input type="checkbox"/> Home - on my own personal computer	<input type="checkbox"/> Home - on a shared family computer	<input type="checkbox"/> School, college or university
<input type="checkbox"/> Work	<input type="checkbox"/> Internet Cafe	<input type="checkbox"/> Public Library
<input type="checkbox"/> On my IPad or Tablet Computer	<input type="checkbox"/> On my mobile phone	<input type="checkbox"/> Friend or family members house
<input type="checkbox"/> I don't have access to the Internet	<input type="checkbox"/> Other	

If you have chosen "other", please specify:

**Q4: How often do you spend on the Internet each day on average? Please do not include the time you spend on the Internet on your phone.**

<input type="radio"/> Less than one hour	<input type="radio"/> 1-2 hours	<input type="radio"/> 2-3 hours	<input type="radio"/> 4-5 hours
<input type="radio"/> More than 5 hours	<input type="radio"/> I would rather not say		

<sup>44</sup> This is a composite of the surveys given to each of the hint/no hint, employment/housing groups. As explained in Chapter 4, all question/scenario questions remained the same as detailed here, with the hint groups receiving an additional hint, and the individual's being presented with only one of the two scenarios.

**Q5: What do you usually do on the Internet? (Please select all that apply)**

- Online shopping
- Using social networking sites (e.g. Facebook, Twitter, MySpace)
- Playing games
- Downloading or streaming television, films or music
- Reading news/current affairs
- Paying bills or banking
- Finding information for work or study
- Finding health information
- Send/receive emails
- Maintaining a website or blog
- I'd rather not say
- Other

If you have chosen "other", please specify:

**Q6: How would you rate your ability to use the Internet?**

- Not good at all
- Not very good
- Ok
- Good
- Very Good/ Excellent

**Q7: How much of the information found on the Internet overall do you think is reliable?**

- None of it
- A small portion of it
- About half of it
- Most of it
- All of it
- Don't know

**Q8: What is the first half of your postcode? (e.g. EC1, SW4, CB7)**

**Q9: What is your gender?**

Male       Female       I'd rather not to say

**Q10: What is your ethnic group?**

White British/ White 'Other'  
 Asian/Asian British  
 I'd rather not say       Mixed Race/Multiple Ethnic Groups  
 Black/African/Caribbean/Black British  
 Other

If you have chosen "other", please specify:

**Q11: How old are you?**

14       15       16       17  
 18       19       20       21  
 22       23       24       25  
 26 and older       I would rather not say

**Q12: Which of the following best describes your housing?**

I live in the family home       I live by myself/with others in rented accommodation  
 I own my own home/I have a mortgage       I am in foster care  
 I live in temporary accommodation/I am homeless       I would rather not say  
 Other

If you have chosen "other", please specify:

**Q13: Who do you live with? (Select all that apply)**

Mother       Father       Older Brother/s       Younger Brother/s  
 Older Sister/s       Younger Sister/s       Grandparent/s       Step-siblings  
 Step-mum/step-dad       Flatmate/s       Foster Family       Boyfriend/Girlfriend  
 I would rather not say       Other

If you have chosen "other", please specify:

**Q14: Do you know if your mother or father is in receipt of State benefits? (for example, unemployment benefit, tax credits, local authority housing benefit)**

<input type="radio"/> Neither of my parents are on benefits	<input type="radio"/> My mother is
<input type="radio"/> My father is	<input type="radio"/> Both of my parents are on benefits
<input type="radio"/> I'm not sure	<input type="radio"/> I'd rather not say

**Q15: Do you know what benefits they are on? (Select all that apply)**

- Unemployment related benefits, or National Insurance Credits
- Income support (not as an unemployed person)
- Sickness or Disability benefits (not including tax credits)
- State Pension
- Family related benefits (excluding Child Benefit and tax credits)
- Child benefit
- Cold weather payment
- Housing, or Council tax benefits
- Tax credits
- None of these
- I don't know
- I'd rather not say
- Other (specify)

If you have chosen "other", please specify:

**Q16: What grades do you usually get?**

**Q17: Which of the following applies to you?**

I am currently undertaking GCSE's  
 I'd rather not say

I am currently undertaking A or AS Levels  
 Other

If you have chosen "other", please specify:

**Q18: Are you taking any of the following subjects at school? (Select all that apply)**

Citizenship       ICT       Legal Studies       None of the above

**Q19: Do you have a part time job?**

Yes     No

**Q20: What do you plan to do after you finish your schooling? If you don't know, please type this.**

**Q21: What industry is your part time job in?**

**Q22: Have you ever been diagnosed with a mental illness?**

Yes       No  
 I have not been diagnosed but I have symptoms       I would rather not say

**Q23: Can you tell us what mental illness you have or think you might have? If you do not wish to answer this question you can type in 'I'd rather not say'**

**Q24: On a scale of 1 to 5 with 5 being the most impact and 1 being the least impact, how much of an impact would you say your mental illness has on your daily functioning?**

1 (Low Impact)       2       3       4       5 (High Impact)  
 N/A

**Q25: Have you ever been diagnosed with a learning disability?**

Yes       No  
 I have not been diagnosed but I have symptoms       I would rather not say

**Q26: Can you tell us what learning disability you have or think you might have? If you do not wish to answer this question you can type in 'I'd rather not say'**

**Q27: On a scale of 1 to 5 with 5 being the most impact and 1 being the least impact, how much of an impact would you say your learning disability has on your daily functioning?**

1 (Low Impact)       2       3       4       5 (High Impact)  
 N/A

**Q28: You were given a piece of paper with a number on it. Please select the number you were given.**

1  2

*You are now going to be presented with a particular problem. You will be asked some questions about the rights of the person in the scenario and what they might do to try to sort out the problem. The scenario may seem unfamiliar, so throughout, if you are unsure, please DO NOT try to guess the answer, just say that you are unsure. You are not marked on how many answers you get correct and it doesn't matter if you don't know any of the answers, it is more important that you only answer a question when you are sure that you know the answer.*

*It is important that you DO NOT use the Internet to help you with the answers until you are told to do so. Please answer these questions, if you can, from your existing knowledge.*

**Q29: In the next screen you will be provided with a story about Alisha who is experiencing a particular problem with her landlord. Are you ready to continue?**

Yes

*ALISHA agrees to rent a house for One year from a landlord who lets out a number of properties and lives elsewhere*

*6 weeks after moving in, ALISHA discovers that the bath has been leaking, causing the house to become damp.*

*ALISHA asks the landlord to repair the leak.*

*Without providing any notice, the landlord visits the house one afternoon and, after knocking on the door, lets himself in to inspect the leak.*

**Q30: Is the landlord entitled to enter the house in this way? If you are unsure, just say so**

Yes  No  Don't Know

**Q31: Is the landlord required to repair the leak by law?**

Yes  No  Unsure

*Now, imagine that:*

*The landlord refuses to repair the leak*

*So, three months after moving in ALISHA herself pays for the repair to be done and deducts the cost from the next rent payment.*

*ALISHA does not tell the landlord that she is going to do this, but encloses a note with the rent payment explaining what she has done.*

*After the next rent becomes due, the landlord calls ALISHA and says that she must leave the house in 28 days time.*

**Q32: Has ALISHA breached (broken) her tenancy agreement by not paying the rent in full?**

Yes       No       Unsure

**Q33: If ALISHA refuses to leave, will the landlord be able to evict ALISHA (remove her from the house) without first obtaining an order from a Court saying that Alisha must leave?**

Yes       No       Unsure

*After the 28 days have passed, two employees of the landlord arrive at the house and say they have been sent by the landlord to help ALISHA move out*

**Q34: Do the two employees have the legal right to enter the property to remove ALISHA'S belongings?**

Yes       No       Unsure

*Suppose that before the 28th day, the landlord had obtained a Court Order stating that ALISHA must leave the house by the 28th day.*

**Q35: Would the two employees now have the legal right to enter the property to remove ALISHA'S belongings after 28 days have passed?**

Yes       No       Unsure

*ALISHA refuses to let the employees come in and bolts the door.*

**Q36: What should ALISHA do in this situation?**

**Q37: If ALISHA wanted to get independent advice about the situation, where would be a good place to get it?**

**Q38: Have you or your family ever experienced a problem like Alisha's before with a landlord?**

Yes       No       I don't know

**Q39: What did you or your family member do about the problem? If you can't remember or don't know, please type this**

**Q40: Do you think if you were faced with a problem like Alisha, you would be confident of how to handle the problem and what steps to take?**

Yes I would be confident knowing what my rights were and how to handle the problem  
 No, I would not know what to do if I was Alisha  
 I think I would know what my rights were, but I wouldn't know how to handle the problem  
 I think I would know how to handle the problem but I wouldn't know what my rights were  
 Unsure  
 I would rather not say

**Q41: You were given a piece of paper with a letter on it. Which letter were you given?**

A     B

*You are now going to be presented with the same problem again. This time you are to open up a NEW GOOGLE CHROME tab or window and make sure you keep THIS WINDOW OPEN so you can fill in your answers as you go along. If you are unsure of how to open a new tab or window please ask the researcher for help.*

*You need to answer as many of the questions as you can, this time however you're allowed to use the Internet to help you find the answers. If you're still not sure of the answer after searching the Internet, that's ok, as long as you give it a try. If you are still unsure after you've searched, please don't guess the answer, click the unsure button.*

**Q42: When you are ready, click yes to proceed. You might like to try looking at this site which might help you find the answers you're looking for [http://england.shelter.org.uk/get\\_advice](http://england.shelter.org.uk/get_advice)**

Yes

*You are now going to be presented with the same problem again. This time you are to open up a NEW GOOGLE CHROME tab or window and make sure you keep THIS WINDOW OPEN so you can fill in your answers as you go along. If you are unsure of how to open a new tab or window please ask the researcher for help.*

*You need to answer as many of the questions as you can, this time however you're allowed to use the Internet to help you find the answers. If you're still not sure of the answer after searching the Internet, that's ok, as long as you give it a try. If you are still unsure after you've searched, please don't guess the answer, click the unsure button*

**Q43: When you are ready click yes to proceed**

Yes

*First, imagine the following scenario concerning living in rented accommodation:*

*ALISHA agrees to rent a house for One year from a landlord who lets out a number of properties and lives elsewhere.*

*6 weeks after moving in, ALISHA discovers that the bath has been leaking, causing the house to become damp.*

*ALISHA asks the landlord to repair the leak.*

*Without providing any notice, the landlord visits the house one afternoon and, after knocking on the door, lets himself in to inspect the leak.*

**Q44: Is the landlord entitled to enter the house in this way? If you are unsure, just say so.**

Yes       No       Unsure

**Q45: Is the landlord legally obliged to repair the leak?**

Yes       No       Unsure

*Now, imagine that:*

*The landlord refuses to repair the leak.*

*So, three months after moving in ALISHA herself pays for the repair to be done and deducts the cost from the next rent payment.*

*ALISHA does not tell the landlord that she is going to do this, but encloses a note with the rent payment explaining what she has done.*

*After the next rent becomes due, the landlord calls ALISHA and says that she must leave the house in 28 days time.*

*He says she is in breach of the tenancy agreement by not paying the rent in full.*

**Q46: Has ALISHA breached her tenancy agreement by not paying the rent in full?**

Yes       No       Unsure

**Q47: If ALISHA refuses to leave, will the landlord be able to evict ALISHA without first obtaining a Court Order saying that Alisha must leave?**

Yes       No       Unsure

*After the 28 days have passed, two employees of the landlord arrive at the house and say they have been sent by the landlord to help ALISHA move out.*

**Q48: Do the two employees have the legal right to enter the property to remove ALISHA'S belongings?**

Yes       No       Unsure

*Suppose that before the 28th day, the landlord had obtained a Court Order stating that ALISHA must leave the house by the 28th day.*

**Q49: Would the two employees now have the legal right to enter the property to remove ALISHA'S belongings after 28 days have passed?**

Yes       No       Unsure

*ALISHA refuses to let the employees come in and bolts the door.*

**Q50: What should ALISHA do in this situation?**

**Q51: If ALISHA wanted to get independent advice about the situation, where would be a good place to get it?**

*You are now going to be presented with a particular problem. You will be asked some questions about the rights of the person in the scenarios and what they might do to try to sort out the problem. The scenario may seem unfamiliar, so throughout, if you are unsure, please DO NOT try to guess the answer, just say that you are unsure. You are not marked on how many answers you get correct and it doesn't matter if you don't know any of the answers, it is more important that you only answer a question when you are sure that you know the answer.*

*Please DO NOT use the Internet to help you, until you are instructed to, just try to answer these questions from your existing knowledge.*

**Q52: In the next screen you will be provided with a story about Alisha who is experiencing a particular problem with her employer. Are you ready to continue?**

Yes

*ALISHA is 19 years old.*

*She has been working 48 hours per week as an employee at ZAP COMPUTERS for One Year.*

*She earns £5.50 per hour.*

*Her manager PAUL, says he needs her to increase her hours to 50 hours per week.*

*ALISHA does not want to work the extra hours.*

*PAUL shows her a part of her contract which says she can be asked to work up to 50 hours per week.*

**Q53: Does ALISHA have to work 50 hours per week? If you are unsure, just say so.**

Yes       No       Unsure

**Q54: Is ALISHA'S salary, £5.50 per hour, above, below or the same as the National Minimum Wage?**

Above       Below       Same       Unsure

**Q55: Does the National Minimum Wage vary according to how old you are?**

Yes       No       Unsure

*ALISHA has been asking to see details of the main terms of her contract of employment since she started at ZAP one year earlier*

**Q56: Does ALISHA have a legal right to see the main terms of her contract of employment?**

Yes       No       Unsure

*One month later – when ALISHA has been working at ZAP for just over one year PAUL tells her she is going to lose her job.*

**Q57: Is ALISHA covered by the full range of unfair dismissal laws?**

Yes       No  
 Unsure       I don't know what unfair dismissal means

*Zap's personnel manager explains that ZAP is reducing the number of technicians it employs, and that ALISHA is going to be made redundant. The personnel manager tells her it is only fair that 'the younger staff go first'.*

**Q58: Is ZAP allowed to consider ALISHA'S age in deciding who is to be made redundant?**

Yes       No  
 Unsure       I don't know what redundancy means

**Q59: What should ALISHA do in this situation?**

**Q60: If ALISHA wanted to get independent advice about the situation, where would be a good place to get it?**

**Q61: Have you ever experienced a problem like Alisha's before with your employer?**

Yes

No

Unsure

I have not been employed before

**Q62: What did you do about your problem?**

**Q63: Do you think if you were faced with a problem like Alisha, you would be confident of how to handle the problem and what steps to take?**

Yes I would be confident knowing what my rights were and how to handle the problem

No, I would not know what to do if I was Alisha

I think I would know what my rights were, but I wouldn't know how to handle the problem

I think I would know how to handle the problem but I wouldn't know what my rights were

Unsure

I would rather not say

*You are now going to be presented with the same problem again. This time you are to open up a NEW GOOGLE CHROME tab or window and make sure you keep THIS WINDOW OPEN so you can fill in your answers as you go along. If you are unsure of how to open a new tab or window please ask the researcher for help.*

*You need to answer as many of the questions as you can again, this time however you're allowed to use the Internet to help you find the answers. If you're still not sure of the answer after searching the Internet, that's ok, as long as you give it a try. If you are still unsure after you've searched, make sure you don't guess the answer, click the unsure button.*

**Q65: When you are ready, click yes to proceed**

Yes

*You are now going to be presented with the same problem again. This time you are to open up a NEW GOOGLE CHROME tab or window and make sure you keep THIS WINDOW OPEN so you can fill in your answers as you go along. If you are unsure of how to open a new tab or window please ask the researcher for help.*

*You need to answer as many of the questions as you can again, this time however you're allowed to use the Internet to help you find the answers. If you're still not sure of the answer after searching the Internet, that's ok, as long as you give it a try. If you are still unsure after you've searched, make sure you don't guess the answer, click the unsure button.*

**Q66: When you are ready, click yes to proceed. You might like to try looking at this site which might help you find the answers you're looking for [http://www.adviceguide.org.uk/england/work\\_e.htm](http://www.adviceguide.org.uk/england/work_e.htm)**

yes

*Imagine the following scenario about employment:*

*ALISHA is 19 years old.*

*She has been working 48 hours per week as an employee at ZAP COMPUTERS for One Year.*

*She earns £5.50 per hour.*

*Her manager, PAUL, says he needs her to increase her hours to 50 hours per week.*

*ALISHA does not want to work the extra hours.*

*PAUL shows her a part of her contract which says she can be asked to work up to 50 hours per week.*

**Q67: Does Alisha have to work 50 hours per week?**

Yes       No       Unsure

**Q68: Is ALISHA'S salary, £5.50 per hour, above, below or the same as the National Minimum Wage?**

Yes       No       Unsure

*ALISHA has been asking to see details of the main terms of her contract of employment 'since she started at ZAP one year earlier.*

**Q69: Does the National Minimum Wage vary according to how old you are?**

Yes       No       Unsure

*One month later – when ALISHA has been working at ZAP for just over one year PAUL tells her she is going to lose her job.*

**Q70: Does ALISHA have a legal right to see the main terms of her contract of employment?**

Yes       No       Unsure

*Zap's personnel manager explains that ZAP is reducing the number of technicians it employs, and that ALISHA is going to be made redundant.*

*The personnel manager tells her it is only fair that 'the younger staff go first'.*

**Q71: Is ALISHA covered by the full range of unfair dismissal laws?**

Yes       No       Unsure

**Q72: Is ZAP allowed to consider ALISHA'S age in deciding who is to be made redundant?**

Yes       No       Unsure

**Q73: What should ALISHA do in this situation?**

**Q74: If ALISHA wanted to get independent advice about the situation, where would be a good place to get it?**

**Q75: Did you find it easier to answer the questions using the Internet?**

Yes       No       It made no difference

**Q76: Were there any particular websites you found helpful when answering those questions? It's ok if you can't remember the exact address of the website, just write the name of it if you can. Don't write it down if it was a search engine, such as Google, or Yahoo.**

**Q77: How confident are you that the answers you gave were correct based on the information you found online?**

I don't think my answers were correct       I think all my answers were correct  
 I think some of my answers were correct       I am unsure

**Q78: If you had a problem like Alisha what would you do?**

Nothing  
 Try to handle the problem on my own  
 Try to handle the problem with the help of family/friends  
 Try to handle the problem with help of an adviser/representative  
 Try to handle the problem with the help of family/friends AND an advisor/representative  
 I'm unsure  
 I would rather not say

**Q79: Why would you do nothing about the problem?**

It will sort itself out  
 I wouldn't know what to do or how to start fixing the problem  
 I don't think the problem is serious enough for me to do anything about  
 I don't know  
 Other

If you have chosen "other", please specify:

**Q80: If you had a problem like Alisha, how confident would you be that you would be able to sort the problem out on your own without help from anybody else?**

Very confident       Quite confident       Not very confident       Not at all confident  
 Don't know

**Q81: If you had a problem like Alisha's, who do you think you would discuss it with first?**

<input type="radio"/> Spouse/Partner/Boyfriend/Girlfriend	<input type="radio"/> Mother
<input type="radio"/> Father	<input type="radio"/> Both my parents
<input type="radio"/> A friend	<input type="radio"/> My brother/s or sister/s
<input type="radio"/> Another relative	<input type="radio"/> A teacher
<input type="radio"/> My doctor	<input type="radio"/> No one
<input type="radio"/> Don't Know	<input type="radio"/> Other

If you have chosen "other", please specify:

**Q82: Why would you discuss it with this person? (If you are unsure or would rather not say, please type this)**

**Q83: Why would you not want to talk to anyone about your problem? (If you are unsure or you would rather not say, please type this)**

**Q84: If you had a problem like Alisha's, would you use the Internet in relation to the problem? (Select as many as you want)**

- No
- Yes- I'd use it to help me find out information about my rights
- Yes- I'd use it to help me find an advisor to see face-to-face
- Yes- I'd use it to help me find an advisor to phone
- Yes- I'd use it to help me find an advisor to email
- Yes- I'd used it to

If you have chosen "other", please specify:

**Q85: Why wouldn't you use the Internet? (Select as many as you want)**

- Because I wouldn't trust I was getting the correct information
- I don't think it would help me solve the problem
- I would rather speak to someone face to face about my problem
- I wouldn't know which website to go to
- I think the problem is too complicated to try and solve using the Internet
- I don't have sufficient access to the Internet
- I don't have private access to the Internet
- I find the Internet difficult to use
- I already know how to handle the problem without using the internet
- Other

If you have chosen "other", please specify:

**Q86: Have you ever been in trouble with Police, received a Police Caution or something more serious?**

- Yes- I've received one or more cautions
- Yes- I've received something more serious than a caution
- No
- Unsure
- I'd rather not say

## APPENDIX B – REMOTE LOGIN INSTRUCTIONS AND VIRTUAL DESKTOP IMAGES



Welcome About Requesting a Login **Guide for Remote Participants** Data Protection FAQs Terms & Conditions

### Guide for Remote Participants

When you are ready, you must [login here](#)  
You will be presented with a login screen that looks like this



#### Sign In

Email

Password

**Go**

[Forgot your password?](#)

Please enter the email and password login details that you were provided with in your 'login request' email.

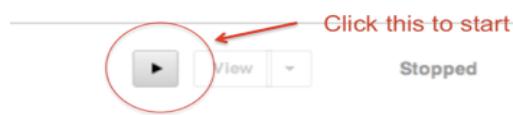
Once you have done this, you will be presented with the following screen



Desktops Events

ucl.legallifeskills@gmail.com Desktop 1 View Stopped

You will notice that on the right hand side of the screen it says '**Stopped**'. In order to get the desktop running, click on the start symbol, as shown in the screenshot below.



This will start your desktop and you will get the following screen



Desktops Events

ucl.legallifeskills@gmail.com Desktop 1 View Starting

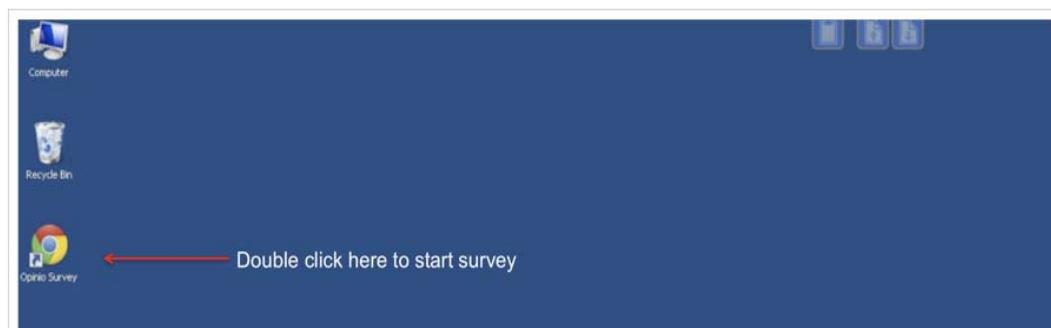
After a minute or so, the desktop will now say running



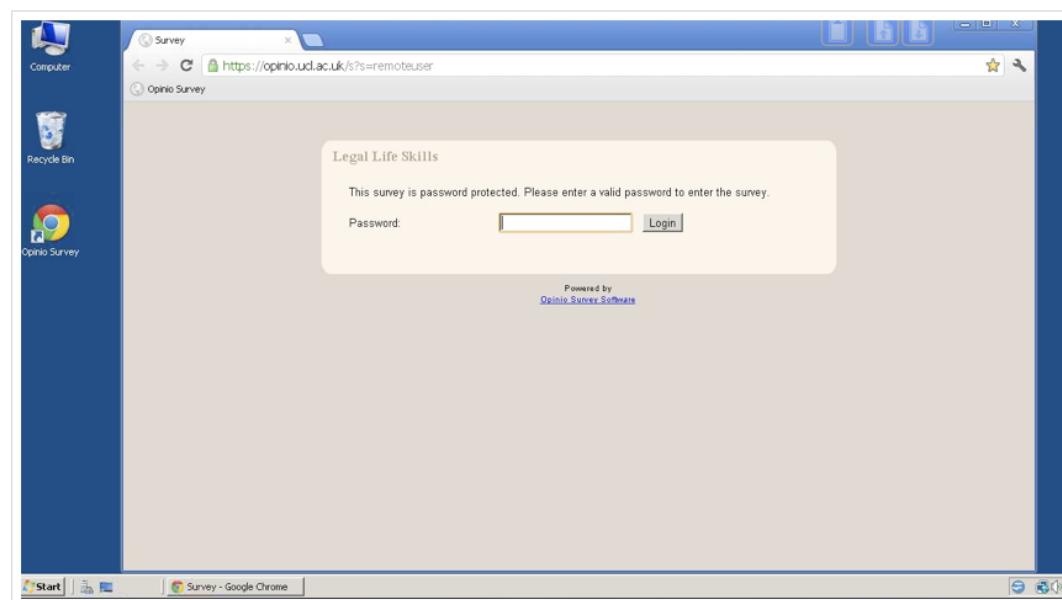
When it does, click on 'View' and select 'In Browser' option. If you are having trouble with viewing 'in browser' it will be because you are using an older version of Internet Explorer. You can either try using another browser instead of Internet Explorer, such as Google Chrome or Mozilla Firefox to log in, OR you can click 'View' and 'Remote Desktop Client' and this should start it up. **Also**, if you find that the browser is running really slowly once you log in (i.e. you start searching online and it's taking ages, you can always log out and then log in again using the 'Remote Desktop Client' method, as that works a little faster than the 'In Browser' method. You should find that all your windows will remain open even if you log in and log out again.



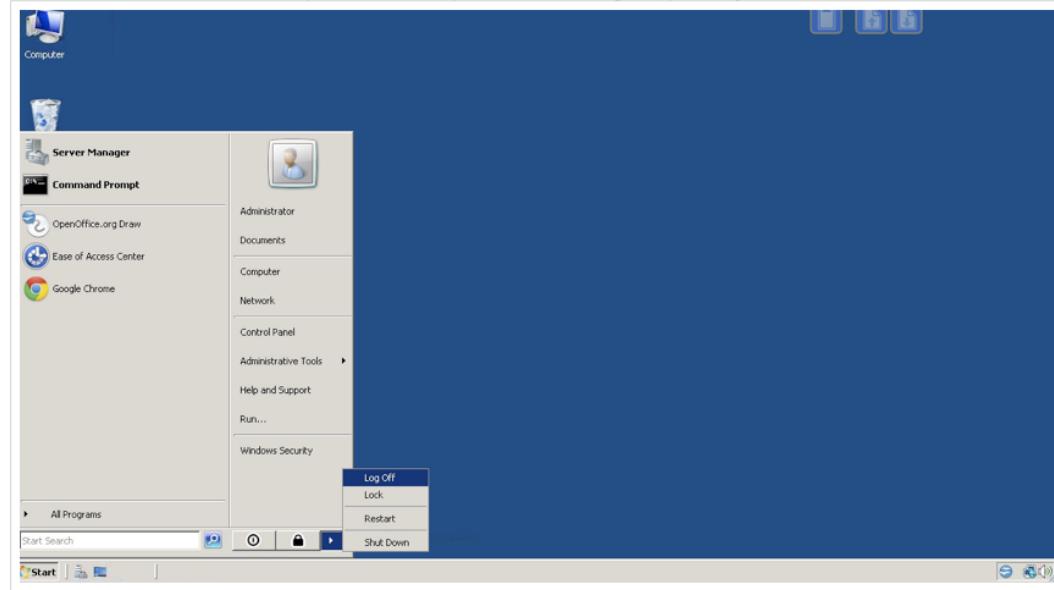
Your browser will now load. It may take a few minutes to load. Once it has loaded, you will see the following screen where you should double click on the Opinio Survey link on the desktop.



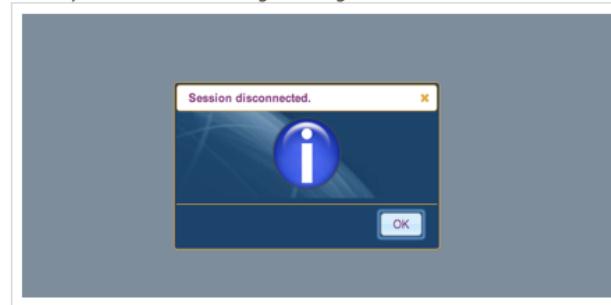
This will bring up your Opinio login screen. Enter the password ucl2012 to begin (you might not all have a password protected survey, so don't worry if you don't get asked for a password).



When you have finished the survey/task, please log out of your desktop. By going to the start menu and clicking 'log off'. If you have used the 'View' 'Remote Desktop Client' method, you don't need to log out, you can just exit out of the screen.



When you see the following message

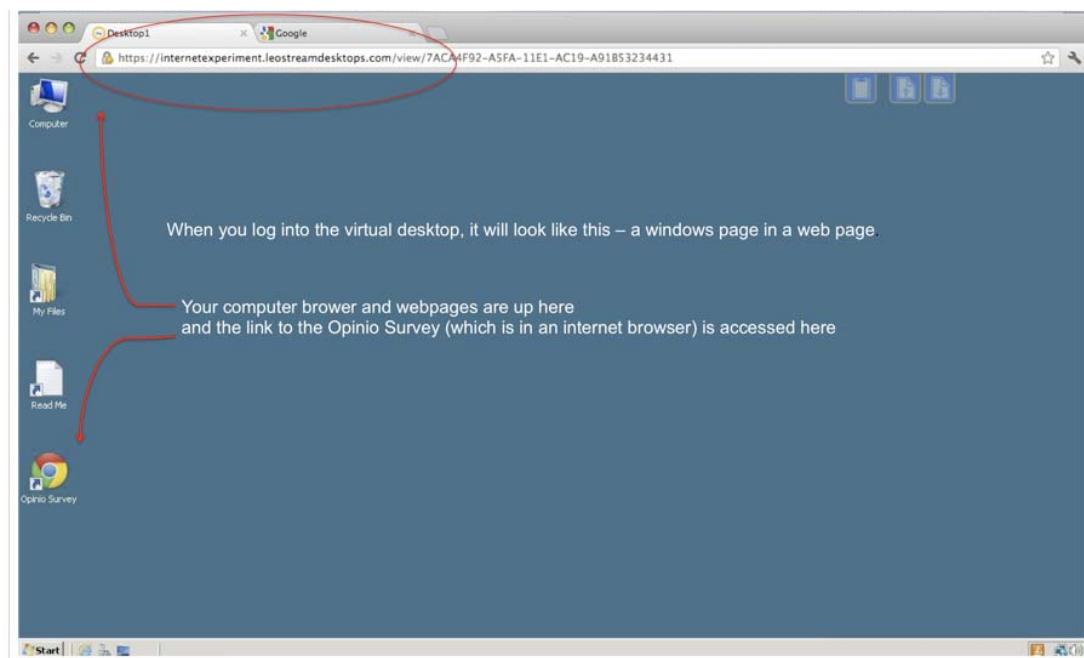


your session has ended and you are logged out. You can now email the research team who will verify you've completed and arrange your voucher.

Because your Internet search while you are completing the task needs to be recorded, we ask you to log in and complete the survey in a 'virtual desktop'. A virtual desktop looks exactly like a normal Windows desktop except that it is located in a webpage.

#### *The Virtual Desktop*

This is what it will look like when you log into your virtual desktop.



You'll notice that your own computer is hidden in the background and the desktop appears in an Internet page.

