



## Concentrating disadvantage: a working paper on heightened vulnerability to multiple legal problems

Hugh M. McDonald & Zhigang Wei

**Abstract:** *The Legal Australia-Wide (LAW) Survey found that some demographic groups, including many disadvantaged groups, had heightened vulnerability to multiple legal problems. New analyses of the LAW Survey national data set using new measures of multiple disadvantage show that as disadvantage becomes increasingly ‘concentrated’, vulnerability to multiple legal problems ‘compounds’. Respondents with multiple disadvantage reported a greater number of legal problems and substantial legal problems. Importantly, each additional indicator of disadvantage was found to have an ‘additive effect’ that increased the average number of legal problems and substantial legal problems reported. The findings further underscore the importance of more intensive and integrated legal service provision for people with heightened vulnerability to multiple legal problems, and particularly for people with multiple disadvantage. They also indicate that the use of diagnostic instruments, such as a ‘legal health check’, is likely to enhance the systematic diagnosis, triage and referral of client legal problems in a range of service settings.*

**People and groups experiencing multiple disadvantage have heightened vulnerability to a range of interlinked legal and non-legal problems.** These groups, varyingly described using the overlapping concepts of ‘disadvantage’, ‘deprivation’, ‘exclusion’ and ‘poverty’, are often marked by having multiple and complex needs and comparatively low capabilities across a number of social indicators (see Hayes, Gray & Edwards 2008; Headey 2006; Pawson, Davison & Weisel 2012; Saunders, Naidoo & Griffiths 2007).

Legal needs surveys have established links between social and economic disadvantage and heightened vulnerability to multiple legal problems (Coumarelos, Macourt, People, McDonald, Wei, Iriana & Ramsey 2012; Currie 2007; Gramatikov 2008; Pleasence, Buck, Balmer, O’Grady, Genn & Smith 2004; Pleasence 2006).<sup>i</sup>

Findings from the LAW Survey indicate that the experience of multiple legal problems is not uncommon, although just nine per cent of respondents accounted for 65 per cent of the legal problems reported in Australia as a whole (Coumarelos, Macourt, People, McDonald, Wei, Iriana & Ramsey 2012). The prevalence of multiple legal problems significantly varied by age and gender, and when compared to their counterparts, respondents who were Indigenous, disabled, unemployed, single parents, lived in disadvantaged housing, and lived in a regional area (compared to those in a major city), had significantly higher rates of multiple legal problems.

### New analyses

The dataset for this paper was the national LAW Survey, a representative sample of 20 716 respondents across Australia aged 15 years or over who were interviewed about their experience of legal problems in the 12 months prior to interview (see Coumarelos et al. 2012).

This paper presents **preliminary findings from new analyses** of the Legal Australia-Wide (LAW) Survey undertaken by the Law and Justice Foundation of New South Wales. The LAW Survey provides a comprehensive assessment of a broad range of legal needs on a representative sample of the population. With 20,716 respondents across Australia, including over 2000 in each state/territory, the LAW Survey covered 129 different types of civil, criminal and family law problems. It examined the nature of legal problems, the pathways to their resolution and the demographic groups that struggle with the weight of their legal problems. The first major findings for the whole of Australia were published as *Legal Australia-Wide Survey: Legal need in Australia* (2012) and authored by Christine Coumarelos, Deborah Macourt, Julie People, Hugh M. McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey. Reports on each state/territory were published in the same year. To download the reports visit [www.lawfoundation.net.au/publications](http://www.lawfoundation.net.au/publications)

The LAW Survey measured the prevalence of legal problems and substantial legal problems—that is, legal problems that had a ‘moderate’ or ‘severe’ impact on everyday life. This paper uses descriptive analyses to examine how the number of legal problems and substantial legal problems experienced are affected by multiple disadvantage, using two new measures of multiple disadvantage. Both new measures are based on the following nine indicators of disadvantage: having a disability, having lived in disadvantaged housing, being Indigenous, having a low education, having a low income<sup>ii</sup>, having a non-English main language, living in a remote or outer regional area, being a single parent, and having been unemployed in the previous twelve months. The first measure of multiple disadvantage identified respondents with at least 2 of the 9 indicators of disadvantage. The second measure was a count of the number of indicators of disadvantage that respondents had (i.e. 0–9 indicators of disadvantage). Table A1 in the Appendix summarises the weighted number and percentage of LAW Survey respondents by the nine indicators of disadvantage and the measures of multiple disadvantage.

### New findings from the LAW Survey

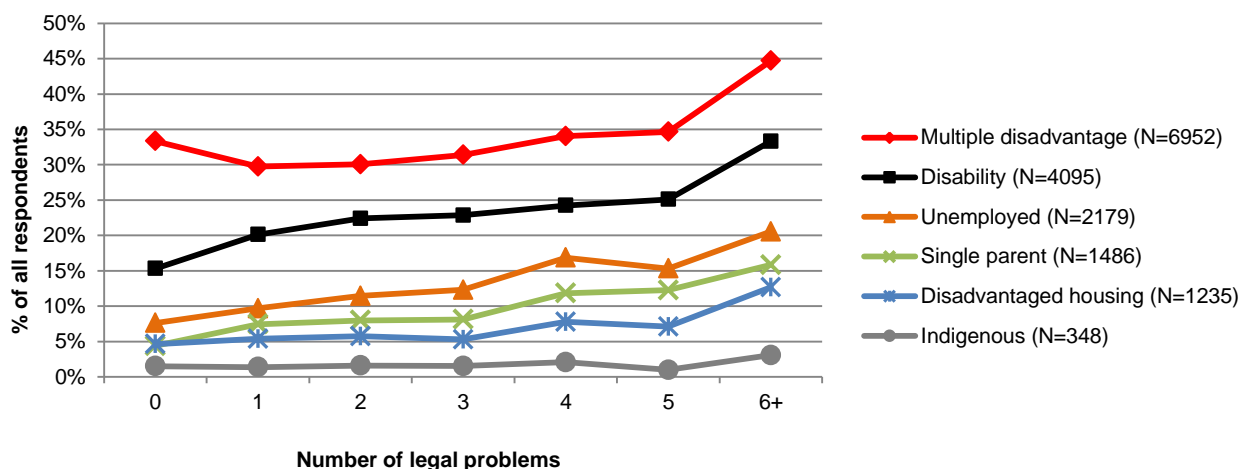
The findings confirm that the experience of multiple legal problems is not uniform across the population, with some groups being more likely to experience multiple legal problems. Figure 1 shows that the proportion of LAW Survey respondents falling into certain disadvantaged groups increased as the number of legal problems reported increased.<sup>iii</sup> For instance,

while people with disability comprised 19.8 per cent of the sample, this percentage rose with the number of problems experienced such that they comprised 22.4 per cent of the respondents with two problems, 24.2 per cent of those with four problems and 33.3 per cent of those with at least six problems. In fact, people with a disability were overrepresented amongst respondents with six or more legal problems by a factor of 1.7 (see Table A2).<sup>iv</sup> Similarly, Indigenous people, people who had lived in disadvantaged housing, single parents and people who had been unemployed were all overrepresented amongst respondents with six or more legal problems by a factor of 1.8–2.2.

Figure 1 also shows the results for respondents with multiple disadvantage (i.e. two or more indicators of disadvantage according to the first new measure). The proportion of respondents with multiple disadvantage increased as the number of legal problems increased. They comprised 33.6 per cent of all LAW Survey respondents and 29.7–34.6 per cent of the respondents that reported from 1 to 5 legal problems. However, respondents with multiple disadvantage comprised 44.7 per cent of the respondents with at least six legal problems, being overrepresented by a factor of 1.3.

Figure 2 shows that the pattern for substantial legal problems is similar to that in Figure 1 for all legal problems. Again, the proportion of respondents from the following disadvantaged groups increased as the number of substantial legal problems reported also increased: Indigenous, disadvantaged housing, unemployed, single parent, disability, multiple disadvantage.<sup>v</sup> These groups were all overrepresented

Figure 1: Proportion of respondents from certain disadvantaged groups by number of legal problems



Note: N=20 716 respondents.

amongst the respondents with six or more substantial legal problems by a factor of 1.8–4.2, with single parents having the highest level of overrepresentation (see Appendix Table A3). Single parents comprised only 7.2 per cent of all respondents, but were 30.4 per cent of the respondents with six or more substantial legal problems.

Figure 3 uses the count measure of multiple disadvantage (0–9 indicators). It shows that the mean numbers of legal problems and substantial legal problems increased as the number of indicators of disadvantage increased (see also Appendix Table A4 and Table A5). Notably, these increases in problem experience were evident with each additional indicator of disadvantage. Respondents with no indicators of

disadvantage had, on average, 1.9 legal problems and 0.4 substantial legal problems. These averages increased such that respondents with one indicator of disadvantage had an average of 2.3 legal problems and 0.6 substantial legal problems, while respondents with six or more indicators had an average of 12.5 legal problems and 3.0 substantial legal problems. In fact, the respondents with six or more indicators of disadvantage had, on average, 6.5 times as many legal problems and 7.5 times as many substantial legal problems, as did the respondents that had no indicators of disadvantage.

These findings suggest that each additional indicator of disadvantage has an ‘additive effect’ that increases the number and severity of legal problems experienced.

Figure 2: Proportion of respondents from certain disadvantaged groups by number of substantial legal problems\*

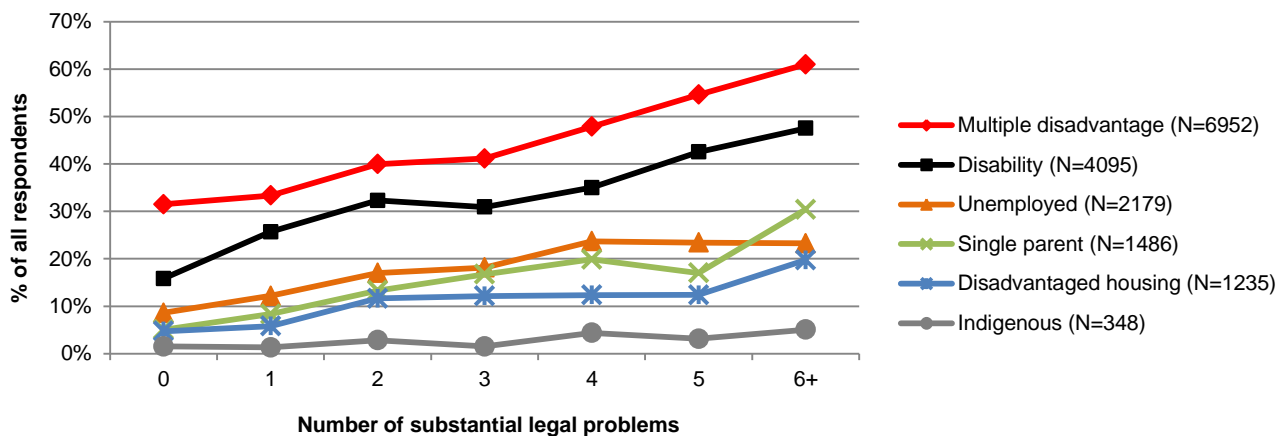
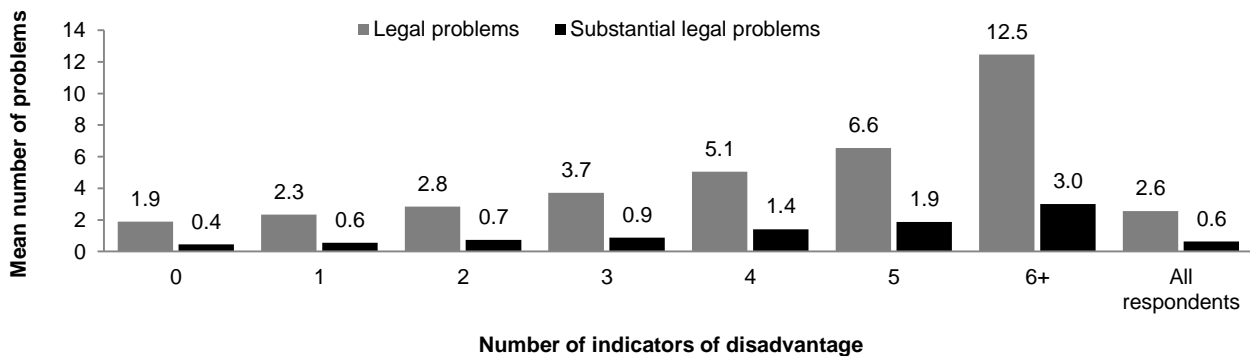


Figure 3: Mean number of legal problems and substantial legal problems by number of indicators of disadvantage\*



\*Note: N=20 716 respondents.

## Conclusion

Consistent with research in England and Wales (Pleasence 2006; Pleasence et al. 2010) and Canada (Currie 2007), Figures 1, 2 and 3 suggest that as disadvantage ‘concentrates’, vulnerability to multiple legal problems is heightened. LAW Survey respondents that had multiple disadvantage had a higher than average mean number of legal problems and substantial legal problems, whereas respondents with no or only one indicator of disadvantage had a lower than average mean number of problems. Notably, each additional indicator of disadvantage had an ‘additive effect’ that was associated with an increase in the average number of legal problems and substantial legal problems reported by respondents. As the level of disadvantage ‘concentrates’—that is, as respondents have an increasingly higher number of indicators of disadvantage—vulnerability to higher numbers of legal problems and substantial legal problems appears to ‘compound’.

These findings further support the conclusion of Coumarelos et al. (2012) that a ‘holistic approach’ to legal service provision is necessary to meet the legal needs of the whole community. In particular, they underscore the importance of more intensive and integrated legal service provision for those people with heightened vulnerability to multiple legal problems, and particularly for people experiencing multiple disadvantage. The findings also suggest that systematic use of diagnostic instruments, such as a ‘legal health check’, could help to identify the broad range of legal problems a person may possibly have, but which they might not necessarily recognise or characterise as a ‘legal’ problem (see Pleasence, Balmer & Reimers 2010). Legal health check tools are likely to be particularly beneficial for use with target client groups that are more likely to have multiple disadvantage. For example, the findings of this paper indicate that diagnostic instruments may be especially beneficial when used systemically and routinely by outreach legal services, and as a part of client-intake, triage and referral by public legal services targeted to disadvantaged communities. Diagnostic instruments may also be one important way in which the wide variety of non-legal workers that Coumarelos et al. (2012) identified as being routinely consulted by LAW Survey respondents, such as health or welfare advisers, could be actively supported to more effectively notice and signpost people with legal problems to legal services.

## References

- Currie, A 2007, *The legal problems of everyday life: the nature, extent and consequences of justiciable problems experienced by Canadians*, Department of Justice Canada, Ottawa.
- Coumarelos, C, Macourt, D, People, J, McDonald, HM, Wei, Z, Iriana, I & Ramsey, S 2012, *Legal Australia-Wide Survey: legal need in Australia*, Law and Justice Foundation of New South Wales, Sydney.
- Hayes, A, Gray, M & Edwards, B 2008, *Social inclusion: origins, concepts and key themes*, Social Inclusion Unit, Department of the Prime Minister and Cabinet, Canberra.
- Headey, B 2006, *A framework for assessing poverty, disadvantage and low capabilities in Australia*, Melbourne Institute report, no. 6, Melbourne Institute of Applied Economic and Social Research, University of Melbourne, Melbourne.
- Genn, H 1999, *Paths to justice: what people do and think about going to law*, Hart, Oxford.
- Gramatikov, M 2008, *Multiple justiciable problems in Bulgaria*, TISCO working paper series on civil law and conflict resolution systems, no. 08/2008, Tilberg University, Tilberg.
- Pawson, H, Davison, G, & Weisel, I 2012 *Addressing concentrations of disadvantage: policy, practice and literature review*, AHURI Final Report, no. 190, Australian Housing and Urban Research Institute, Melbourne.
- Pleasence, P 2006, *Causes of action: civil law and social justice*, 2nd edn, Stationery Office, Norwich.
- Pleasence, P, Balmer, NJ & Reimers, S 2010 ‘Horses for Courses? People’s Characterisation of Justiciable Problems and the Use of Lawyers’, in Legal Services Board (ed.) *The Future of Legal Services: Emerging Thinking*, London: Legal Services Board.
- Pleasence, P, Balmer, NJ, Patel, A & Denvir, C 2010, *Civil justice in England and Wales 2009: report of the 2006–9 English and Welsh Civil and Social Justice Survey*, Legal Services Research Centre, London.
- Pleasence, P, Buck, A, Balmer, NJ, O’Grady, A, Genn, H & Smith, M 2004, *Causes of action: civil law and social justice*, Stationery Office, London.
- Saunders, P, Naidoo, Y & Griffiths, M 2007, *Towards new indicators of disadvantage: deprivation and social exclusion in Australia*, Social Policy Research Centre, University of NSW, Sydney.

## Endnotes

- <sup>i</sup> The term ‘legal problem’ is used throughout this paper for easy reference to a problem that is ‘justiciable’ in that it raises legal issues with the potential for legal resolution, regardless of whether the respondent recognised this or took any action involving the justice system (cf. Genn 1999).
- <sup>ii</sup> Low income was defined as having a before tax personal income less than \$20,800 (equivalent to less than \$400/week) or a combined income with a partner of less than \$41,600 (equivalent to less than \$800/week). For young people (i.e. those aged from 15 years up to 22 years) living with a parent or guardians, low income was similarly defined as an income of less than \$20,800 for a single parent/guardian and \$41,600 for partnered parents/guardians.
- <sup>iii</sup> The proportion of respondents from four of the disadvantaged groups examined—low education, low income, non-English main language and living in a remote or outer regional area—did not consistently change as the number of legal problems reported increased.
- <sup>iv</sup> The overrepresentation factor is the ratio of the proportion of respondents with a disability that had six or more problems divided by the proportion of respondents with a disability in the total sample.
- <sup>v</sup> Again, the proportion of respondents from four of the disadvantaged groups examined—low education, low income, non-English main language and living in a remote or outer regional area—did not change consistently as the number of legal problems reported increased.

## Appendix

Table A1: Summary of total weighted LAW Survey respondents by indicators of disadvantage

Indicator of disadvantage	N	Per cent
Disability	4095	19.8
Disadvantaged housing	1235	6.0
Indigenous	348	1.7
Low education	6493	31.5
Low income	4658	26.3
Non-English main language	1398	6.7
Remote or outer regional	2574	12.4
Single parent	1486	7.2
Unemployed	2179	10.5
No indicator of disadvantage	7218	34.8
1 indicator of disadvantage	6546	31.6
2 indicators of disadvantage	4065	19.6
3 indicators of disadvantage	2006	9.7
4 indicators of disadvantage	689	3.3
5 indicators of disadvantage	140	0.7
6+ indicators of disadvantage	51	0.2
Multiple disadvantage (i.e. 2 or more indicators of disadvantage)	6952	33.6
Total number of respondents	20716	100

Note: N=20716 respondents.

Table A2: Number of legal problems by indicators of disadvantage

Indicator	Average number of legal problems	Respondents with the following number of legal problems														All respondents		Overrepresentation factor*
		0		1		2		3		4		5		6+				
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
<b>Indigenous</b>	4.9	159	1.5%	52	1.4%	32	1.6%	16	1.5%	15	2.1%	5	1.0%	70	3.1%	348	1.7%	1.8
<b>Disability</b>	4.3	1598	15.3%	765	20.1%	442	22.4%	237	22.8%	175	24.2%	123	25.1%	756	33.3%	4095	19.8%	1.7
<b>Unemployed</b>	4.9	795	7.6%	368	9.7%	226	11.5%	128	12.3%	121	16.9%	75	15.3%	466	20.6%	2179	10.5%	2.0
<b>Single parent</b>	5.8	457	4.4%	283	7.4%	157	8.0%	84	8.1%	85	11.8%	60	12.3%	359	15.8%	1486	7.2%	2.2
<b>Disadvantaged housing</b>	5.7	483	4.6%	205	5.4%	113	5.8%	55	5.3%	56	7.8%	35	7.1%	287	12.7%	1235	6.0%	2.1
<b>Multiple disadvantage</b>	3.5	3475	33.3%	1131	29.7%	592	30.0%	325	31.4%	245	34.0%	170	34.6%	1013	44.7%	6952	33.6%	1.3
<b>All respondents</b>	2.6	10427	50.3%	3803	18.4%	1971	9.5%	1036	5.0%	721	3.5%	490	2.4%	2268	10.9%	20716	100.0%	

\* The overrepresentation factor is the ratio of the proportion of respondents with the indicator that had six or more problems divided by the proportion of respondents with the indicator in the total sample (i.e. 6+ problems% / total%).

Note: N=20716 respondents.

Table A3: Number of substantial legal problems by indicators of disadvantage

Indicator	Average number of substantial legal problems	Respondents with the following number of substantial legal problems														All respondents		Overrepresentation factor*
		0		1		2		3		4		5		6+				
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
<b>Indigenous</b>	1.2	226	1.5%	39	1.3%	32	2.8%	9	1.5%	14	4.4%	6	3.2%	22	5.1%	348	1.7%	3.0
<b>Disability</b>	1.2	2387	15.8%	765	25.7%	368	32.3%	181	30.9%	109	35.0%	79	42.5%	206	47.5%	4095	19.8%	2.4
<b>Unemployed</b>	1.2	1298	8.6%	363	12.2%	194	17.0%	106	18.1%	74	23.7%	43	23.4%	101	23.2%	2179	10.5%	2.2
<b>Single parent</b>	1.7	763	5.1%	249	8.3%	151	13.3%	98	16.7%	62	19.9%	32	17.0%	132	30.4%	1486	7.2%	4.2
<b>Disadvantaged housing</b>	1.4	711	4.7%	173	5.8%	133	11.6%	71	12.1%	38	12.3%	23	12.4%	86	19.7%	1235	6.0%	3.3
<b>Multiple disadvantage</b>	0.9	4747	31.5%	994	33.3%	455	40.0%	241	41.1%	149	47.9%	101	54.6%	265	61.0%	6952	33.6%	1.8
<b>All respondents</b>	0.6	15079	72.8%	2979	14.4%	1139	5.5%	587	2.8%	312	1.5%	186	0.9%	434	2.1%	20716	100.0%	

\* The overrepresentation factor is the ratio of the proportion of respondents with the indicator that had six or more problems divided by the proportion of respondents with the indicator in the total sample (i.e. %6+ problems / %total).

Note: N=20716 respondents.

Table A4: Number of legal problems by number of indicators of disadvantage

Indicator	Average number of legal problems	Respondents with the following number of legal problems														All respondents	Overrepresentation factor*	
		0		1		2		3		4		5		6+				
		N	%	N	%	N	%	N	%	N	%	N	%	N	%			N
<b>No disadvantage</b>	1.9	3647	35.0%	1457	38.3%	755	38.3%	368	35.6%	238	33.1%	175	35.6%	577	25.4%	7218	34.8%	0.7
<b>1 indicator</b>	2.3	3305	31.7%	1215	31.9%	624	31.6%	343	33.1%	237	32.9%	146	29.8%	677	29.9%	6546	31.6%	0.9
<b>2 indicators</b>	2.8	2167	20.8%	654	17.2%	307	15.6%	188	18.1%	140	19.4%	79	16.1%	531	23.4%	4065	19.6%	1.2
<b>3 indicators</b>	3.7	969	9.3%	331	8.7%	203	10.3%	101	9.8%	63	8.8%	56	11.4%	283	12.5%	2006	9.7%	1.3
<b>4 indicators</b>	5.1	281	2.7%	119	3.1%	66	3.4%	28	2.7%	32	4.4%	21	4.2%	143	6.3%	689	3.3%	1.9
<b>5 indicators</b>	6.6	45	0.4%	20	0.5%	14	0.7%	8	0.7%	6	0.9%	9	1.8%	38	1.7%	140	0.7%	2.5
<b>6 or more indicators</b>	12.5	13	0.1%	7	0.2%	2	0.1%	0	0.0%	4	0.6%	6	1.2%	19	0.8%	51	0.2%	3.3
<b>All respondents</b>	2.6	10427	100.0%	3803	100.0%	1971	100.0%	1036	100.0%	721	100.0%	490	100.0%	2268	100.0%	20716	100.0%	

\* The overrepresentation factor is the ratio of the proportion of respondents with the indicator that had six or more problems divided by the proportion of respondents with the indicator in the total sample (i.e. 6+ problems% / total%).  
 Note: N=20716 respondents.  $\chi^2=360.13$ ,  $F_{35,726607}=6.925$ ,  $p=0.000$ .

Table A5: Number of substantial legal problems by number of indicators of disadvantage

Indicator	Average number of substantial legal problems	Respondents with the following number of legal problems														All respondents	Overrepresentation factor*	
		0		1		2		3		4		5		6+				
		N	%	N	%	N	%	N	%	N	%	N	%	N	%			N
<b>No disadvantage</b>	0.4	5527	36.7%	1037	34.8%	314	27.5%	153	26.1%	80	25.7%	30	16.2%	76	17.6%	7218	34.8%	0.5
<b>1 indicator</b>	0.6	4806	31.9%	949	31.8%	370	32.5%	192	32.7%	83	26.5%	54	29.2%	93	21.4%	6546	31.6%	0.7
<b>2 indicators</b>	0.7	2930	19.4%	552	18.5%	206	18.1%	122	20.7%	69	22.0%	54	29.0%	133	30.7%	4065	19.6%	1.6
<b>3 indicators</b>	0.9	1325	8.8%	310	10.4%	154	13.5%	75	12.8%	47	15.0%	34	18.5%	61	14.0%	2006	9.7%	1.4
<b>4 indicators</b>	1.4	408	2.7%	107	3.6%	66	5.8%	31	5.3%	18	5.8%	9	4.9%	50	11.5%	689	3.3%	3.5
<b>5 indicators</b>	1.9	64	0.4%	21	0.7%	20	1.7%	11	1.8%	12	4.0%	4	2.1%	9	2.2%	140	0.7%	3.2
<b>6 or more indicators</b>	3.0	20	0.1%	5	0.2%	10	0.9%	3	0.4%	3	1.0%	0	0.1%	11	2.6%	51	0.2%	10.3
<b>All respondents</b>	0.6	15079	100.0%	2979	100.0%	1139	100.0%	587	100.0%	312	100.0%	186	100.0%	434	100.0%	20716	100.0%	

\* The overrepresentation factor is the ratio of the proportion of respondents with the indicator that had six or more problems divided by the proportion of respondents with the indicator in the total sample (i.e. 6+ problems% / total%).  
 Note: N=20716 respondents.  $\chi^2=620.76$ ,  $F_{35,726116}=11.984$ ,  $p=0.000$ .