



# Updating justice

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## Home is where the heart of legal need is A working paper on homelessness, disadvantaged housing and the experience of legal problems

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**Abstract:** *Preliminary findings from the Legal Australia-Wide (LAW) Survey indicate that homeless people are an especially disadvantaged group who have increased vulnerability to a wide range of legal problems. The findings suggest that addressing the legal and non-legal needs of homeless people should be a priority and may require a holistic or client-focused approach, involving an integrated response from legal and broader human services.*

### Introduction

The heightened vulnerability of disadvantaged demographic groups to legal problems<sup>1</sup> is well established by surveys of legal need. People's housing circumstances often reflect their socioeconomic circumstances, and, accordingly, a number of legal needs surveys have identified that people living in basic or impoverished housing situations are more likely to experience legal problems. The types of disadvantaged housing circumstances examined by these surveys have varied, with increased prevalence of legal problems being reported for circumstances such as public and private renting, high-density housing, temporary accommodation and homelessness (Buck, Balmer & Pleasence 2005; Center for Survey and Research Analysis 2003; Coumarelos, Macourt, People, McDonald, Wei, Iriana & Ramsey 2012; Dale 2000, 2005, 2007; Dignan 2006; Gene Kroupa & Associates 2006, 2008; Legal Services of New Jersey 2009; Miller & Srivastava 2002; Pleasence 2006; Pleasence et al. 2010; Task Force 2003).

Given that homeless people are a particularly marginalised group who typically suffer multiple types of socioeconomic disadvantage, homeless people are a key target group of

current social inclusion policies in a number of countries, including Australia (Australian Government 2009a). For example, the Australian Government (2009b) White Paper on homelessness, *The Road Home*, set goals for reducing homelessness nationally and recognised the need for improving legal services for homeless people and people at risk of homelessness. However, there is a paucity of rigorous quantitative research into the legal needs of homeless people both in Australia and overseas. It is notoriously difficult to reach homeless people via random sample surveys. Consequently, only a few legal needs surveys — all in the United States — have examined the legal problem experience of homeless people, based on relatively small, unrepresentative samples (e.g. Dale 2000, 2005, 2007; Task Force 2003).

In Australia, a qualitative research study by Forell, McCarron and Schetzer (2005) in New South Wales identified the multiple legal problems that can be faced by homeless people, including common legal issues at the time of becoming homeless (e.g. family, domestic violence, debt and housing-related legal issues) and common legal issues associated with entrenched homelessness (e.g. criminal issues and fines).

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)

Forell et al. (2005) also reported considerable barriers to homeless people accessing legal services, such as having to prioritise more basic human needs (e.g. accommodation, food, family), feelings of despair or hopelessness, mental health or drug or alcohol issues, poor literacy or numeracy skills, and not taking action before the situation has reached crisis point. However, quantitative research on the legal problems faced by homeless people in Australia is lacking. Although the study by Coumarelos et al. (2012) on the Legal Australia-Wide (LAW) Survey found that people living in disadvantaged housing as a group had increased prevalence of legal problems, it did not report separately on homeless people. People who had lived in disadvantaged housing had increased prevalence of legal problems of any type, substantial legal problems and multiple legal problems.

## New analyses

The large LAW Survey dataset provides a unique opportunity to conduct a quantitative assessment of the legal needs of homeless people. The disadvantaged housing group examined by Coumarelos et al. (2012) included 270 people who had been homeless at some point in the 12 months prior to interview.<sup>ii</sup> The present paper summarises findings from new regression analyses comparing the experience of legal problems for:

- this group of homeless people
- people who had lived in other types of disadvantaged housing, namely basic housing or public housing, in the previous 12 months<sup>iii</sup>
- other people, who had not experienced any of the above disadvantaged housing circumstances in the previous 12 months.<sup>iv</sup>

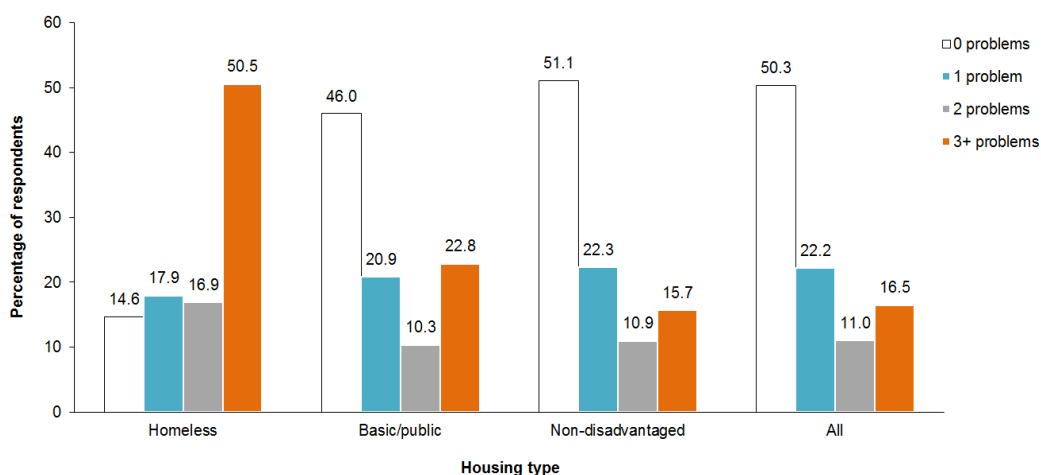
## Findings

Consistent with the literature, the homeless group in the present study was characterised by multiple types of disadvantage. In addition to their disadvantaged housing status, the homeless group had 2.2 types of disadvantage on average, compared to 1.9 for the basic/public housing group and 1.1 for the non-disadvantaged housing group.<sup>v</sup>

The regression analyses found that, compared to people living in non-disadvantaged housing, homeless people had significantly higher overall prevalence of legal problems of any type and also experienced a significantly greater number of problems. As Figure 1 shows, the effects were quite large, with 85.4 per cent<sup>vi</sup> of homeless people experiencing at least one legal problem over a one-year period, compared to 54.0 per cent of those living in basic or public housing and only 48.9 per cent of other respondents living in non-disadvantaged housing. In addition, 50.5 per cent of the homeless group experienced three or more legal problems compared to 22.8 per cent of the basic/public housing group and only 15.7 per cent of those in other types of housing (see Figure 1). The regression analyses also showed that the higher prevalence of legal problems for homeless people compared to those in non-disadvantaged housing was evident for all of the problem types examined with the exception of accidents problems (see Figure 2).<sup>vii</sup>

Regression analysis also indicated that people who had lived in basic housing or public housing also had significantly higher prevalence of some types of legal problem than those in non-disadvantaged housing.

Figure 1: Overall prevalence of legal problems by housing type, Australia



Note: N=20716 respondents (including 270 homeless, 965 in basic/public housing and 19481 in non-disadvantaged housing).

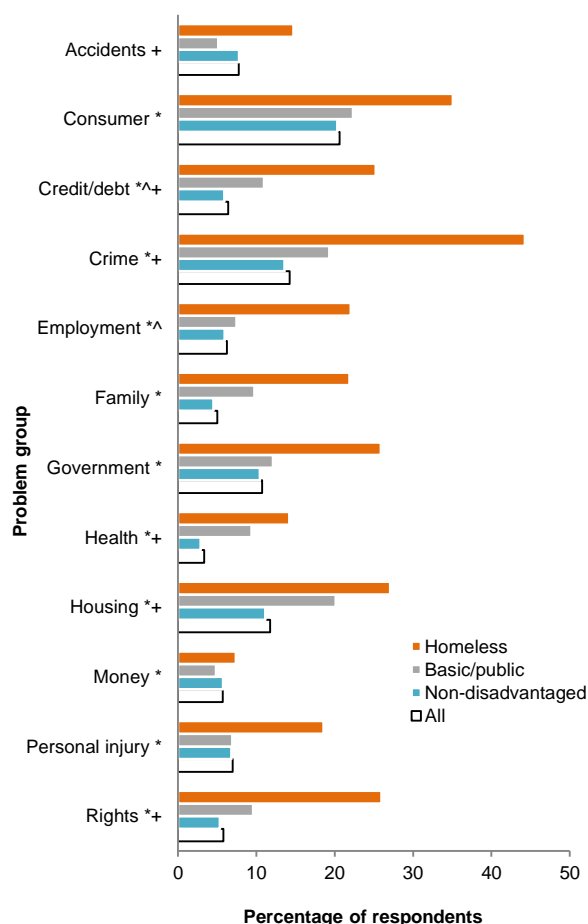
However, the effects were typically not as large as those for the homeless group (see Figures 1 and 2). The homeless group typically had the strongest or one of the strongest effects in most of the regressions.

## Conclusion

The LAW Survey findings clearly demonstrate that homeless people are an especially disadvantaged section of the community that are particularly likely to experience a wide range of legal problems, often concurrently. Regardless of the direction of causation – that is, regardless of whether the experience of legal problems can bring about homelessness or whether homelessness increases the vulnerability to legal problems, or both – the findings confirm that addressing the legal and non-legal needs of this group should be an important policy objective in Australia.

The multiple legal and non-legal needs of homeless people suggest that they are likely to require a holistic or client-focused approach, involving an integrated response from legal and broader human services, to fully address their problems. Such integrated service delivery is likely to be particularly accessible if it is provided via places that homeless people frequent, given that homeless people sometimes only seek out legal assistance when their issues have reached crisis point (Forell et al. 2005). In this regard, a useful feature of various specialised homeless persons' legal services in Australia is that they are located in or near welfare or community services, and involve coordination between legal and non-legal organisations.<sup>viii</sup>

Figure 2: Prevalence of each problem group by housing type, Australia



\* Significant difference (at the 95% level) between the homeless and non-disadvantaged housing groups in the regression analysis.

^ Significant difference (at the 95% level) between the basic and non-disadvantaged housing groups in the regression analysis.

+ Significant difference (at the 95% level) between the public and non-disadvantaged housing groups in the regression analysis.

**Note:** N=20716 respondents (including 270 homeless, 965 in basic/public housing and 19481 in non-disadvantaged housing).

## References

- Australian Government 2009a, *A stronger, fairer Australia: national statement on social inclusion*, Social Inclusion Unit, Department of the Prime Minister and Cabinet, Canberra.
- Australian Government 2009b, *The Road Home: a national approach to homelessness*, Australian Government, Canberra.
- Buck, A, Balmer, N & Pleasence, P 2005, 'Social exclusion and civil law: experience of civil justice problems among vulnerable groups', *Social Policy & Administration*, vol. 39, no. 3, pp. 302–322.
- Center for Survey and Research Analysis (CSRA) 2003, *Civil legal needs among low-income households in Connecticut*, CSRA, University of Connecticut, Storrs, CT.
- Coumarelos, C, Macourt, D, People, J, McDonald, HM, Wei, Z, Iriana, R & Ramsey, S 2012, *Legal Australia-Wide Survey: Legal Need in Australia*, Law and Justice Foundation of New South Wales, Sydney.
- Council of Australian Governments (COAG) 2010, *National partnership agreement on legal assistance services*, COAG, Canberra.
- Dale, DM 2000, *The state of access to justice in Oregon. Part I: assessment of legal needs*, Oregon State Bar, Tigard, OR.
- Dale, DM 2005, *Legal needs of low income households in Montana*, Equal Justice Task Force and Access to Justice Committee, Montana State Bar Association, Helena, MT.
- Dale, DM 2007, *The justice gap: the unmet legal needs of low-income Utahns*, Utah Legal Services, Salt Lake City, UT.
- Dignan, T 2006, *Northern Ireland Legal Needs Survey*, Northern Ireland Legal Services Commission, Belfast.
- Gene Kroupa & Associates (GKA) 2006, *Wisconsin Civil Legal Needs Study final report*, GKA, Madison, WI.
- Gene Kroupa & Associates (GKA) 2008, *Nevada Civil Legal Needs Study final report*, GKA, Madison, WI.
- Genn, H 1999, *Paths to justice: what people do and think about going to law*, Hart, Oxford.
- Forell, S, McCarron, E & Schetzer, L 2005, *No home, no justice? The legal needs of homeless people in NSW*, Law and Justice Foundation of NSW, Sydney.
- Legal Services of New Jersey (LSNJ) 2009, *Unequal access to justice: many legal needs, too little assistance*, LSNJ, Edison, NJ.
- Miller, M & Srivastava, A 2002, *Legal problems, legal needs: the legal assistance gap facing lower income people in New Jersey*, Legal Services of New Jersey, Edison, NJ.
- Pleasence, P 2006, *Causes of action: civil law and social justice*, 2nd edn, Stationery Office, Norwich.
- 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.
- Task Force on Civil Equal Justice Funding (Task Force) 2003, *The Washington State Civil Legal Needs Study*, Washington State Supreme Court, Olympia, WA.

## Endnotes

- i 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).
- ii This is the weighted number of people who had been 'homeless' – for example, people who had squatted, slept rough, or lived in emergency accommodation (e.g. refuge, shelter, tent, motor vehicle, lived with friends/relatives because had nowhere else to live). The LAW Survey was conducted on a representative sample of the population who have landline telephone lines at home. Thus, although the survey is likely to have achieved a representative sample of people who had been homeless and had access to a telephone landline at the time of interview, it will not have reached people who had been homeless and did not have landline access at the time of interview. Consequently, the LAW Survey is likely to underrepresent the homeless population, particularly the more entrenched homeless population.
- iii Basic housing included caravan/residential park, boarding house, other basic or impoverished accommodation (e.g. barn, shed, humpy). People who had experienced more than one type of disadvantaged housing circumstance in the previous 12 months were categorised within the most disadvantaged housing situation experienced – that is, homeless, followed by basic housing and then by public housing. In weighted numbers there were 255 people in the basic housing group and 710 people in the public housing group.
- iv Thirteen binary logistic regression analyses were conducted to examine the experience of 13 categories of legal problems during the 12 months prior to interview – problems of any type and problems from each of the 12 categories presented in Figure 2. In addition, a zero-truncated Poisson regression was conducted on the subgroup of respondents who experienced legal problems, to examine whether disadvantaged housing was related to experiencing a greater number of legal problems (i.e. a higher prevalence of multiple legal problems). All of the regressions compared the non-disadvantaged housing group to (i) people who had been homeless, (ii) people who had lived in basic accommodation and (iii) people who had lived in public housing. They also examined the relationship of disadvantaged housing to the prevalence of legal problems, independently of the effects of gender, age, Indigenous status, disability status, education, employment status, family status, main income, main language and remoteness of area of residence. In addition, the regressions were multilevel models, taking into account the nesting of people within states/territories.
- v The extent of multiple disadvantage was measured via a count of the following indicators: Indigenous background, long-term illness/disability, low education, unemployment, single parenthood, government payments as the main source of income, non-English main language and remoteness of area of residence. Disadvantaged housing was excluded from this count. If disadvantaged housing is included in the count of indicators of disadvantage, the means are 3.2 for the homeless group, 2.9 for the basic/public housing group and 1.1 for the non-disadvantaged housing group.
- vi i.e.  $100 - 14.6 = 85.4$ .
- vii Note that the raw percentages of accidents problems for the homeless and the non-disadvantaged housing groups did not constitute a significant difference once other demographic characteristics had been taken into account in the regression. The accidents problem category consisted exclusively of minor problems because, by definition, it included only injury-free motor vehicle accidents. Motor vehicle accidents that resulted in injury were included in personal injury problem category.
- viii See, for example, [www.piac.asn.au/campaigns/homeless-persons-legal-service](http://www.piac.asn.au/campaigns/homeless-persons-legal-service), [www.pilch.org.au/hplc](http://www.pilch.org.au/hplc) and [www.pilch.org.au/01\\_cms/details.asp?ID=7](http://www.pilch.org.au/01_cms/details.asp?ID=7)

