

Data supporting health justice partnership

December 2018

Why health justice partnership?

Since the World Health Organization's groundbreaking 2008 Commission on the Social Determinants of Health (CSDH, 2008), the evidence has continued to grow about how factors beyond the medical drive poor health outcomes for individuals and communities. These factors include poor-quality housing, unstable or insecure work and family breakdown.

Meanwhile, in 2012 the landmark Legal Australia-Wide survey (LAW survey) established that over one-fifth of people in Australia experience three or more legal problems in a given year. Among these issues were housing and work related issues, money issues, and family breakdown: issues also noted in this and the broader legal needs research, for their reported impact on health, particularly stress-related and/or physical illness.

Critically, the evidence further indicates that many people seek no advice for these problems, but when they do, they are more likely to ask a non-legal advisor, such as a health professional, than a lawyer.

Taken together, the health and legal evidence points to common client groups that are vulnerable to intersecting health and legal issues but who may come into contact with health services around their symptoms rather than with services that can offer legal solutions. The interconnected evidence also notes the vulnerability of these same client groups to social and environmental factors which may be shaped by law and policy, which in turn may be influenced by systemic advocacy and law reform.

Health justice partnerships respond to this evidence, and embed legal help in health care teams and services to address unmet, health-harming legal need and improve health and wellbeing.

Partnerships do this for:

- individuals, through direct service provision in places that they access
- people and communities vulnerable to complex need, by integrating service responses and redesigning service systems around client needs and capability
- Vulnerable populations through advocacy for systemic change to policies which affect the social determinants of health.

This document provides key evidence arising predominantly from Australian legal needs research, which may be useful in communicating and advocating for health justice partnerships. Information is presented below in a number of statements, along with the data and source.

Most of this evidence is drawn from the [Law and Justice Foundation of NSW's](#) Access to Justice and Legal Needs research program, in particular the Legal Australia Wide Survey (LAW Survey) of 20,000 respondents around Australia. The full citation details are found in the reference list below.

Updates will include data on a range of topics relevant to health justice partnerships from a wider range of sources.

Over one-fifth of people in Australia experience three or more legal problems in a given year.

Based on the number of legal problems people experienced within a 12 month period. No problems = 50.3% One problem = 18.4% Two problems = 9.5% 3 or more problems = 21.8%

[Coumarelos et al 2012](#), Legal Australia-Wide Survey (Law Survey), p. 57 Figure 3.1: Prevalence of legal problems, Australia

People often report multiple legal problems and these problems tend to cluster – such as family breakdown and money issues or problems centred on poor-quality housing.

In Australia, the LAW Survey data revealed three main legal problem clusters. A first comprised family and credit/debt problems. A second comprised problems concerning employment, personal injury, health and rights. A third comprised the four most frequent problem types – namely consumer, crime, government and housing related problems – along with money problems (other than credit/debt).

[Coumarelos et al, 2012](#), p. 87

[looking across a range of studies] The most visible clusters consistently have been seen in the context of family breakdown, where domestic violence, divorce, ancillary issues and problems concerning children link closely. Other clusters have also been identified, including clusters centred on economic activity (e.g. problems concerning employment, money, consumer transactions, welfare benefits and housing), and problems centred on poor quality housing.

[Pleasence et al, 2014](#), p.10-11

While 27.2% of all LAW survey respondents reported a substantial legal problem, 41.7% of respondents with a health need and 49.7% of those with a considerable health need reported having a substantial legal problem.

[Pleasence et al, 2014](#), Table 2.1, p. 10- 11

Legal problems are widespread and often affect people's wellbeing.

'legal problems are widespread and often have adverse impacts on many life circumstances.'

[Coumarelos et al, 2012](#), p.xiv

1 in 5 legal problems are reported to cause illness.

About one-quarter of the population experience a substantial legal problem each year. Financial strain was associated with 29% of problems, stress-related illness with 20%, physical ill health with 19%, relationship breakdown with 10% and having to move home with 5%. Legal problems related to family issues had the most adverse consequences.

[Legal Australia-Wide Survey \(LAW Survey\) Summary, 2012](#)

[Coumarelos et al, 2012](#), Table 4.4

Some people are particularly vulnerable to legal problems with 9% of people in Australia experiencing 65% of the problems.

65% of legal problems were experienced by only 9% of respondents and 85% of problems were experienced by 22% of respondents.

[Coumarelos et al, 2012](#), p. xiv

Table 3.1: Cumulative frequency distribution of legal problems, Australia.

[Legal Australia-Wide Survey \(LAW Survey\) Summary, 2012](#)

Legal needs surveys, both in Australia and overseas, have established that legal problems are far from randomly distributed across the population. There is a clear inequality of experience, which derives from some groups being more exposed to the circumstances that can give rise to problems and/or less able to avoid or mitigate problems. This inequality of experience links to 'social disadvantage', with legal problems having been described as often existing 'at the intersection of [law] and everyday adversity' (Sandefur 2007, p. 113).

[Pleasence et al, 2014](#), p. 5

One in five of the most disadvantaged in our community take no action in response to their legal problems, for reasons including not recognising the issue as a legal problem (or a problem with a legal solution), stress, time, cost, fear of damaging relationships and having bigger problems to deal with.

Respondents sought advice (from anyone)

- for 51% of legal problems,
- handled 31% of legal problems without advice and
- took no action for 18% of legal of problems.

[Coumarelos et al, 2012](#), p. 96-98

[Legal Australia-Wide Survey \(LAW Survey\) Summary](#)

While taking no action appeared to be appropriate in some cases, reasons for doing nothing were often related to stress (30%) cost (27%) or not knowing what to do (21%).

For 'substantial legal problems, 62.1% sought advice, 26.2 handled the problem without advice, 11.6% took no action.

'Issues of stress, time, cost, damaging relationships and having bigger problems to deal with are bound up together and form complex and inter-locked barriers to action.'

[McDonald, Forell & People 2014](#), p. 5

'... many people 'lump' justiciable problems because they are unsure about their rights, prospects, and/or the availability of help'

[Pleasence et al, 2014](#), p.17

Also [McDonald & People, 2014](#)

A sizeable proportion of people take no action to resolve their legal problems and consequently achieve poor outcomes [Coumarelos et al, 2012](#), p.xiv
Table 8.4

20.3% of people experiencing 3+ types of disadvantage took no action in response to their legal problem, compared to 16.5% of people with no indicators of disadvantage. [McDonald & Wei, 2016](#), p.4

When people do seek advice for their legal problem, they are more likely to ask a non-legal advisor, such as a health professional, than a lawyer

Among those who sought advice, one or more legal advisors were used in response to only 30.3% of problems where respondents sought advice. In the remaining 69.7% of problems where advice was sought, respondents only used non-legal advisors. [Coumarelos et al, 2012](#), p.111

‘most people who seek advice do not consult legal advisers and resolve their legal problems outside the formal justice system’ [Coumarelos et al, 2012](#), p.xiv

HJPs are targeted to clients with unmet legal need but less skills, knowledge, motivation and resources (legal capability) to address those needs. HJPs bring services to the clients and help clients to identify and link to solutions that they may not be aware of.

‘Social disadvantage is linked to lower capability. The evidence further indicates that those most vulnerable to legal problems: [Pleasence et al, 2014](#), summary, p.1

- tend to have less of the knowledge, self-help skills, motivation and resources required to deal with legal problems without assistance
- tend towards delayed, crisis-driven help seeking
- face additional barriers, including barriers associated with remoteness and the availability of accessible, low -cost services.’

People’s personal circumstances and legal capability can constrain them from recognising and resolving their legal problems. In addition, environmental, systemic and cultural factors can act to make justice inaccessible, including distance and scant service infrastructure in remote Australia, cost, and the fragmentation of the legal system. [Pleasence et al, 2014](#), summary, p.2

Those whose main language was not English, those with fewer educational qualifications and those who had been unemployed were less likely than others to act to resolve problems and, when action was taken, less likely to seek advice. [Pleasence et al, 2014](#), p.15

People with low awareness of legal services also less likely to take action.

References

- Commission on Social Determinants of Health (CSDH), 2008. '[Closing the gap in a generation: Health equity through action on the social determinants of health.](#)' Geneva.
- Coumarelos, C., Macourt, D., People, J., MacDonald, H.M., Wei, Z., Iriana, R. & Ramsey, S. 2012, [Legal Australia-Wide Survey](#): legal need in Australia, Law and Justice Foundation of NSW, Sydney
- Coumarelos, C., Macourt, D., People, J., MacDonald, H.M., Wei, Z., Iriana, R. & Ramsey, S. 2012, [Legal Australia-Wide Survey \(LAW Survey\) legal need in Australia, Summary](#), Law and Justice Foundation of NSW, Sydney
- McDonald, HM Forell, S & People, J 2014 '[Limits of legal education strategies: when knowing what to do is not enough](#)' *Updating Justice, No. 43*. Law and Justice Foundation of NSW, Sydney p. 5
- McDonald, HM & People, J (2014), '[Legal capability and inaction for legal problems: knowledge, stress and cost](#)', *Updating Justice*, Law and Justice Foundation of NSW, Sydney.
- McDonald HM & Wei, Z. 2016 '[How people solve legal problems: level of disadvantage and legal capability](#)' *Justice Issues No 23*, Law and Justice Foundation of NSW, Sydney
- Pleasence, P, Coumarelos, C, Forell, S & McDonald, HM 2014, '[Reshaping legal assistance services: building on the evidence base: a discussion paper](#)', Law and Justice Foundation of NSW, Sydney.
- Pleasence, P, Coumarelos, C, Forell, S & McDonald, HM 2014 '[Reshaping legal assistance services, building on the evidence base: summary](#)' *Updating Justice, No. 44*. Law and Justice Foundation of NSW, Sydney p. 1
- Sandefur, RL 2007, 'The importance of doing nothing: everyday problems and responses of inaction', in P Pleasence, A Buck and NJ Balmer (eds), *Transforming lives: law and social process*, Stationery Office, London, pp. 112–132.



P +61 2 8599 2183
E healthjustice@healthjustice.org.au
W www.healthjustice.org.au

Health Justice Australia is a charity registered with the Australian Charities and Not-for-profits Commission. Health Justice Australia is endorsed as a public benevolent institution and has deductible gift recipient status (generally, donations of \$2 or more are tax deductible, depending on your taxation circumstances).

Health Justice Australia ABN 55 613 990 186