

The problems of everyday life

Crime and the Civil and Social Justice Survey

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Editorial

The Centre for Crime and Justice Studies is pleased to publish this paper as part of the *Whose Justice?* project. Vicky Kemp, Pascoe Pleasence and Nigel Balmer of the Legal Services Research Centre present their findings from the 2004 Civil and Social Justice Survey.

Criminal justice processes target a limited range of 'crimes' or 'harms' to the exclusion of many others. Whilst political and public policy attention is often focused on procedures and processes, there is also great value in considering broader issues of social justice across a spectrum of activities that extend beyond the restricted scope of criminal justice. It is in this context that we find the work published here of interest. As the briefing shows, the range of problems and difficulties of everyday life faced by different sections of the population is complex, interrelated and should ultimately be of concern to anyone with an interest in social justice. Whilst the categories of 'crime', 'social exclusion' and 'civil justice problems' can be problematic, this paper usefully draws attention to a number of issues that we feel deserve much greater attention. As the authors claim, their findings suggest that services aimed at those people experiencing social problems would be more usefully provided through common means and methods. Separating out the issues and services aimed at resolving civil problems, crime and social exclusion often ignores the complex picture of injustices those deemed 'vulnerable' often face. Of greatest importance is the necessity to begin looking at these problems in the context of social injustice and the role of structural factors that result in substantial inequalities. The Civil and Social Justice Survey makes an important contribution to this debate by providing a basis for further exploration, discussion and debate.

Rebecca Roberts and Will McMahon, Centre for Crime and Justice Studies

INTRODUCTION

Since the first major study of victimisation in London, carried out by Sparks, Genn and Dodd in 1977, victim surveys have been an important means of determining the extent and nature of people's experience of crime (see Zedner, 2002) for a summary of victimisation studies). The Home Office's British Crime Survey (BCS) includes

interviews with around 50,000 respondents each year, and this provides regular information about the patterns and experiences of some types of crime. However, there is a gap in the current evidence base of how such experiences of crime are related to broader social and civil justice problems.

The 2004 *English and Welsh Civil and Social Justice Survey* (CSJS) marks an important change in our ability to explore patterns of experience of crime and

social and civil justice problems (Pleasence, 2006). The survey provides detailed information on the nature, pattern and impact of people's experience of civil justice problems, along with basic information on crime victimisation. By civil justice problems we mean the problems people experience in everyday life to which the framework of civil law applies (even though it is rarely invoked through legal process).

The survey covers around 100 different problem types, grouped into 18 distinct problem categories: discrimination, consumer, employment, neighbours, homelessness, rented housing, owned housing, money/debt, welfare benefits, divorce, relationship breakdown, domestic violence, children, personal injury, clinical negligence, mental health, immigration, unfair police treatment. To assist respondents in recalling relevant problem types falling under these categories they were presented with 'show cards' that set out a list of constituent problems. In relation to 'employment', for example, these included being sacked or made redundant, difficulties getting pay or a pension to which entitled, other work rights (for example, maternity pay, sickness pay, holiday entitlement, working hours) and harassment. For domestic violence, constituent problems included the respondent and/or children within the family suffering violence or abuse from a partner, ex-partner or other family member. Within the 'relationship breakdown' category were included difficulties relating to arrangements for the children such as residence (custody) and/or contact (access) issues and dealing with child support payments. The category of 'children' included difficulties in relation to children being taken into care or being on the Child Protection Register and children being unfairly excluded or suspended from school.¹ The offence types that respondents were asked about were theft, burglary, robbery and/or vandalism, including attempted offences and also violence or the threat of violence.

In common with the findings of the BCS and other victim surveys, that the risk of crime affects people disproportionately, surveys of civil justice problems have also indicated that certain sections of the population are more likely than others to report them (see Buck, Pleasence and Balmer, 2005). In both cases, the section of the population commonly referred to as the 'socially excluded' appears to be at particular risk.² In the case of the BCS, for example, analysis indicates that the 'very poor and uninsured', the 'very poor with restricted mobility', 'single parents', the 'intimidated'

(or harassed) and the 'relatively housebound' are most likely to report being victims of crime.

The broad relationship between crime victimisation and social exclusion has been understood for some time. In the mid-1990s, Young noted: 'The most vulnerable in our society are not only at the greatest risk of crime, but also suffer a greater impact of crime because of their lack of money and resources ... [and] the people who suffer most because of crime tend to suffer most from other social problems ...' (1994: 113). Such other problems can include the death of a relative, family breakdown or other trauma within the family, illness or psychological problems and unemployment. These problems may also amplify or be amplified by the impact of crime; although it can be extremely difficult to distinguish the impact of crime from generally impoverished lifestyles.

It was not until the 2004 CSJS that a large-scale nationally representative survey in England and Wales sought to examine the interrelationship between crime, social exclusion and civil justice problems. To get an overview of the interrelationship, CSJS respondents were allocated into one of four categories based on whether or not they were socially excluded and whether or not they had been a victim of crime. We defined as socially excluded those who reported more than one of the following: unemployment, having a long-term limiting illness or disability, being a lone parent, having no academic qualifications, annual earnings of less than £10,000, being on housing or council tax benefit, living in rented accommodation, and living in the top 10 per cent of high crime areas. As certain factors of social exclusion, along with crime victimisation, are age related, the sample was age standardised to create non-socially excluded and socially excluded groups with the same age profile.

In this paper we explore the nature and degree of connections between social exclusion, criminal victimisation and the experience of civil justice problems. First, at the overall level, we set out the different patterns of incidence of civil justice problems for non-socially excluded and socially excluded non-victims and victims of crime. Second, we explore differences in the profile of socially excluded and non-socially excluded victims in relation to each crime type. Third, we add the dimension of multiple victimisation to our analysis.

¹ Other relationship breakdown difficulties included the division of money, pensions or property on divorce or separation, dealing with maintenance payments. In relation to children, these included difficulties in fostering or adopting children, abduction or threatened abduction by a parent or other family member, children going to a school for which they are eligible and receiving an appropriate education (e.g. special needs).

² The Social Exclusion Unit defines social exclusion as a shorthand term for what can happen when people or areas suffer from a concentration of linked problems such as unemployment, poor skills, low incomes, unfair discrimination, poor housing, high crime, bad health and family breakdown.

Finally, recognising the increased vulnerability of socially excluded victims both through their experience of civil justice problems and their higher-risk of victimisation, we examine the strategies employed when seeking advice and support. Our findings highlight a strong association between criminal victimisation, social exclusion and people experiencing a broad range of civil justice problems.

respondents were or were not socially excluded and/or victims of crime. We found that socially excluded victims were substantially more likely to experience civil problems than non-socially excluded non-victims, with 60 per cent of the former group reporting problems compared to 28 per cent of the latter group. Differences in the types of problems experienced by the four different groups are set out in Figure 1.

FINDINGS

Twenty per cent of respondents to the 2004 CSJS reported being a victim of one or more offences, a figure similar to that reported in the latest BCS of 23 per cent (see Walker, Kershaw and Nicholas, 2006) for the latest findings from the BCS). The pattern of offences was also broadly similar to that reported through the BCS, with theft being the most common offence type (7.7 per cent), followed by vandalism (6.8 per cent), burglary (5.3 per cent) and violence (2.1 per cent). Robbery (1.4 per cent) and other offence types (0.6 per cent) were reported only relatively rarely.

For socially excluded victims, neighbour disputes appears, by far, the main problem category, followed by rented housing and money/debt problems.³ In contrast, for non-socially excluded non-victims, problems with consumer transactions is the main category,⁴ followed by employment, neighbours, money/debt and personal injury. In respect of the other two groups, non-socially excluded victims were found to experience slightly more problems overall than socially excluded non-victims (45 per cent compared to 38 per cent). However, we observed a clear and important difference in the pattern of problems faced by people in these two groups. As would be expected, socially excluded non-victims far more often faced problems that contribute to and perpetuate social exclusion – such as problems concerning rented housing, welfare benefits, family breakdown and homelessness – while non-socially excluded victims more often faced consumption-related problems.

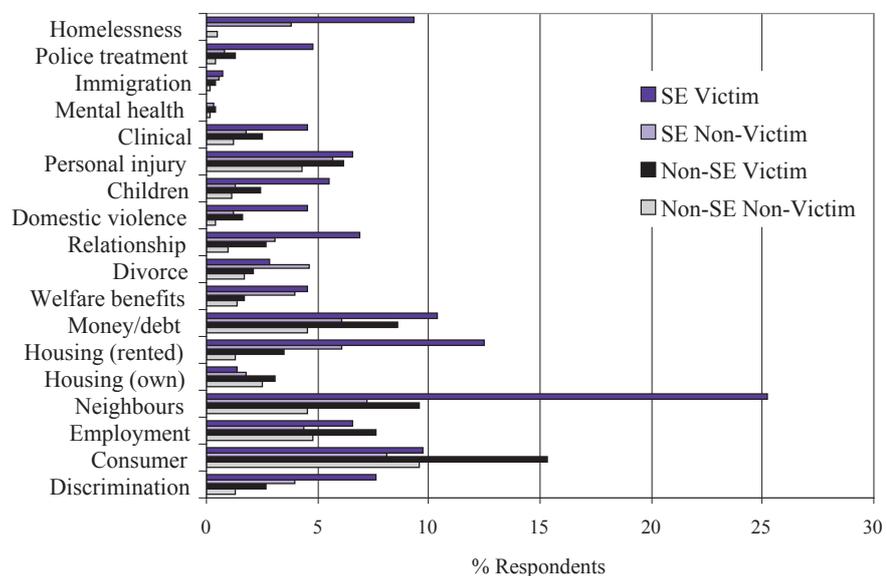
Crime victimisation and the experience of civil justice problems

While, overall, 33 per cent of respondents to the 2004 CSJS reported one or more civil justice problems, incidence varied greatly depending upon whether

³ The detailed problem descriptions for neighbour problems included regular or excessive noise, threats or harassment, violence, damage to property or garden and other vandalism. Rented housing problems included unsafe or otherwise unsuitable living conditions, getting a deposit back, being several rent payments in arrears, getting the landlord to make repairs, harassment by a landlord, eviction or threat of eviction and boundary disputes. Money/debt problems comprised difficulties in getting someone to pay money they owed, incorrect or disputed bills, unfair refusal of credit as a result of incorrect information, disputed (repeated) penalty charges by banks or utilities, unreasonable harassment by creditors, severe difficulties in managing money, being threatened with legal action to recover money owed, being the subject of a county court judgment.

⁴ Consumer transactions included problems with faulty goods, major building work, trades people's services, garage services, holidays/travel and other services.

FIGURE 1: PERCENTAGE OF CIVIL AND SOCIAL JUSTICE PROBLEMS EXPERIENCED BY SOCIALLY EXCLUDED (SE) AND NON-SOCIALLY EXCLUDED (NON-SE)



Specific offence types and civil justice problems

As can be seen from Table 1, the profile of civil justice problem types experienced by victims was broadly similar across offence types; although a significant difference between the experience of respondents who were or were not socially excluded was maintained in most cases.

In the case of all offence types the main problems reported by socially excluded victims were neighbours and rented housing problems. Indeed, for vandalism and violence offences, more than one-third of socially excluded victims reported neighbour problems. Almost one in five socially excluded victims of burglary reported rented housing problems. Other problem types frequently reported by socially excluded victims included money/debt and consumer problems; although, to some extent, the particular problems reported appeared to link to offence type. In relation to violent offences, for instance, it is not surprising that many victims also reported domestic violence and other associated problems, including relationship breakdown, homelessness and divorce problems. Homelessness was also a problem reported by a significant proportion of socially excluded victims suffering from burglary and vandalism.

While neighbours and money/debt problems were also reported by a significant proportion of non-socially excluded victims, there was a different profile of problem types and fewer non-socially excluded victims reported civil justice problems in general. For non-socially excluded victims of vandalism, burglary and theft, for instance, consumer problems were the most common, reported by 19, 17 and 14 per cent of victims respectively. For victims of violence, the main problem type was neighbour disputes, reported by 20 per cent. However, consumer problems were again relatively common.

Overall, 69 per cent of victims of assault, 54 per cent of victims of criminal damage, 47 per cent of victims of theft and 42 per cent of victims of burglary reported experiencing one or more civil justice problems.

Multiple victimisation and civil justice problems

While respondents to the 2004 CSJS were not asked specifically about their experience of multiple victimisation within distinct offence types, they were asked about multiple victimisation across the different types of offences. Seventeen per cent of respondents experienced just one type of offence, 3 per cent two types and 0.5 per cent three or

TABLE 1: PERCENTAGE OF CIVIL JUSTICE PROBLEMS REPORTED BY SOCIALLY EXCLUDED (SE) AND NON-SOCIALLY EXCLUDED (NON-SE) VICTIMS OF THEFT, BURGLARY, VANDALISM AND VIOLENCE

Problem type	Theft		Burglary		Vandalism		Violence	
	Non SE N=293	SE N=80	Non-SE N=186	SE N=81	Non-SE N=224	SE N=114	Non-SE N=70	SE N=39
Discrimination	2.0	11.2	1.6	10.3	1.7	7.1	10.9	3.0
Consumer	14.3	15.0	17.4	12.7	19.3	14.6	11.7	5.9
Employment	9.8	7.5	5.3	5.4	8.2	11.6	14.6	0.0
Neighbours	7.6	28.7	6.0	16.0	15.9	36.8	20.4	36.6
Housing (own)	3.1	3.4	1.5	0.0	4.6	2.9	1.3	0.0
Housing (rent)	4.6	14.7	2.6	17.7	2.7	16.8	7.0	20.4
Money/debt	9.7	11.6	6.7	15.1	9.6	8.4	9.7	19.9
Welfare benefits	2.4	1.5	2.1	6.5	1.3	2.4	2.7	4.1
Divorce	1.3	4.6	1.5	0.0	2.4	5.8	9.0	11.6
Relationship breakdown	2.0	8.6	0.5	7.5	3.6	4.0	7.6	22.4
Domestic violence	1.0	6.2	0.6	5.2	1.6	6.9	7.7	19.5
Children	2.8	2.5	1.5	10.9	3.2	4.9	5.2	5.1
Personal injury	7.1	4.8	4.2	3.7	6.0	10.1	11.6	11.4
Clinical negligence	2.0	11.7	1.8	5.6	4.4	6.3	2.7	7.1
Mental health	0.3	0.0	1.0	0.0	0.4	0.0	2.7	0.0
Immigration	0.0	0.0	0.5	2.0	0.0	0.0	2.8	0.0
Police treatment	0.7	4.2	2.7	9.2	0.8	6.7	2.8	8.6
Homelessness	0.0	4.3	0.5	13.8	0.0	10.0	0.0	15.8

more different types of offences. Those victims who reported having been the victim of multiple offence types were more likely than other victims to fall into the social exclusion category, reflecting the broader literature (see Pease (1998) for an overview of repeat victimisation).

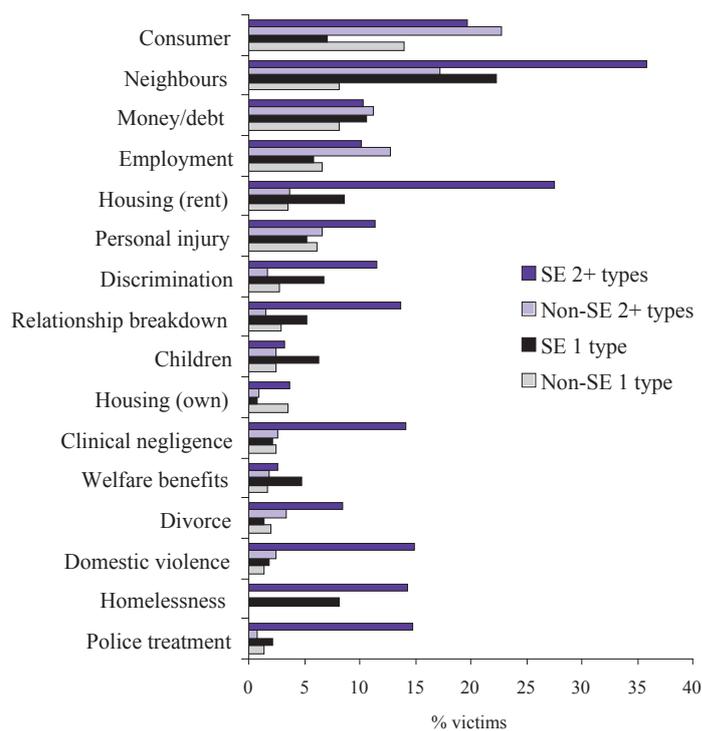
Overall, 60 per cent of multiple victims, so defined, reported civil justice problems. This compares with 30 per cent of non-victims and 45 per cent of victims reporting just one type of crime. As can be seen from Figure 2, small differences were observed in the profile of civil justice problems reported by multiple victims, as compared to other victims, and again a marked disparity was observed between socially excluded and non-socially excluded repeat victims.

Multiple victimisation and social exclusion are associated with a dramatic increase in vulnerability to civil justice problems. So, for example, a young, single white male respondent, on benefits in a publicly rented flat, with long-term illness, without transport or academic qualifications, with low income and a victim of multiple of crimes, had

around a 70 per cent chance of experiencing a civil justice problem. In contrast, a middle aged white male respondent, not ill or disabled or on benefits, living in a mortgaged semi-detached house, with academic qualifications and economically active, and not a victim of crime, had just a 23 per cent chance of experiencing a civil justice problem. In general terms, crime victimisation increased the chance of experiencing civil justice problems by 65 per cent and multiple victimisation by 192 per cent when compared to those who were not victims of crime. Factors of social exclusion, such as long-term limiting ill-health or disability, lone parenthood, receipt of state benefits and very low household income, increase the chances of experiencing civil justice problems by 60, 136, 39 and 30 per cent respectively (when compared to those without an illness/disability, married couples with children, those not on benefits or those with income greater than £10,000 and less than £50,000).

Furthermore, these factors not only increase the risk of experiencing civil justice problems, they also increase the risk of experiencing multiple civil justice

FIGURE 2: PERCENTAGE OF SOCIALLY EXCLUDED (SE) AND NON-SOCIALLY EXCLUDED (NON-SE) VICTIMS WITH CIVIL JUSTICE PROBLEMS BASED ON WHETHER THEY HAD BEEN A VICTIM OF ONE TYPE OF OFFENCE OR TWO OR MORE DIFFERENT TYPES OF OFFENCES



problems. Overall, of those with one or more civil justice problem, the mean number of problems was around 1.7. However, ill or disabled respondents reported 2.0 problems on average, socially excluded victims of crime reported 2.4, lone parents reported 2.5 and those experiencing multiple crimes 2.6 problems on average.

Advice-seeking behaviour

While socially excluded victims are more likely to experience multiple civil justice problems, the CSJS highlights the sense of powerlessness and helplessness often experienced by people who face such problems. Around one in ten people who reported experiencing civil justice problems took no action to resolve them, but the reasons varied – from those who felt that the problem was resolved or it was of insufficient importance to warrant action compared to those who did not act because they were scared to do so, which was mainly respondents reporting problems relating to neighbours, employment and domestic violence.⁵

When taking action to deal with their problems respondents sought advice from a wide range of advisers. Solicitors tended to be the most sought after adviser, although the local authority, Citizens Advice Bureaux (CABx) and other advice agencies, the police, trade union and other professional bodies, doctors and insurance companies were also popular sources of advice.⁶ The police were more likely to be approached by victims of crime for advice (10 per cent compared to 5 per cent of non-victims), although the interrelationship between crime and civil justice problems suggests that many people need assistance from a range of different advisers. While Police Domestic Violence Units tend to work closely with voluntary organisations and other service providers in providing a network of advice and support for victims of domestic violence, such networks are seldom available for victims in relation to other types of offences.

DISCUSSION

The pattern of crime victimisation reported through the CSJS is broadly consistent with that reported through the BCS. As expected, given earlier findings from BCS and other data, our findings highlight a strong association between criminal victimisation and social exclusion. They also highlight a broader association between crime victimisation, social

exclusion and the experience of a wide range of civil justice problems.

As well as there being differences in incidence across differently constituted population groups, with socially excluded victims of crime by far the most likely to report civil justice problems, there are also different profiles of civil justice problems associated with the different population groups. Socially excluded victims of crime, as would be expected, report high rates of problems that relate to their immediate environment. For example, the particularly high rates at which socially excluded victims of crime reported neighbour disputes reflects in part the fact that such disputes can lead to aggressive or anti-social behaviour culminating in violence or vandalism offences. It is also possible that where neighbour disputes and these types of crime go hand in hand, victims and offenders may not only be familiar with one another but those identified as the victim on one occasion may sometimes subsequently be dealt with as the offender on another and vice versa.

Crucially, our findings demonstrate that current thinking on the subject of repeat victimisation lacks an important component. Victim studies have consistently shown that those most at risk of crime are repeat victims. Indeed, the well-known sound bite of Farrell and Pease (1993) that 4 per cent of people suffer 44 per cent of crime has helped to inform policy initiatives in relation to crime prevention.⁷ However, multiple victims are exposed not just to heightened levels of criminal injustice, but also to civil injustice.

When looking at the distribution of personal crime, Tseloni and Pease (2004) report a 79 per cent increase in the volume of crimes suffered by lone parents when compared to the adult population as a whole. More recently, in a study of the distribution of property crimes, Tseloni identifies: 'By far the highest association with property crimes is that of lone parents owing to social vulnerability... The second highest influence on property crimes comes from social renting, via social vulnerability and proximity to potential offenders' (2006: 227). This ties in with the CSJS, with 57 per cent of lone parents reporting civil justice problems compared to around 32 per cent of other respondents. Our findings also show that particular sections of the community are not just likely to experience a disproportionate volume of crime, but also that the same sections of the population are likely to experience a

⁵ Respondents with qualifications tended to deal with the problems themselves which helps to account for a third of non-socially excluded non-victims handling their problems alone compared to a quarter of socially excluded victims.

⁶ Solicitors were the main source of advice for all but socially excluded victims for whom the local authority was the main adviser (19 per cent) followed by solicitors (16 per cent). While respondents mentioned a wide range of different advice providers there was also a significant proportion of 'other' advisers referred to (ranging from 13 per cent to 15 per cent of respondents in the four different categories), which suggests some confusion and fragmentation related to where people go for advice and assistance.

⁷ Pease (1998) sounds a note of caution stressing that while such a sound bite is useful in raising awareness, the calculation is dependent upon various counting conventions and varies by place and time.

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disproportionate volume of social problems in general and civil justice problems in particular.

The broad social context of crime victimisation is therefore important. Indeed, when considering the impact of welfare on victimisation, Estrada and Nilsson conclude in their study of violent victimisation among single mothers that 'exposure to violence tends to be one welfare-related problem among many, which makes the situation of these victims particularly serious' (2004: 185).⁸ Tseloni (2006) was in broad agreement with such an analysis when she found victims of property crimes were likely to experience deficiencies in welfare such as health, education, financial situation, employment and social relationships.

CONCLUSION

In this briefing we have demonstrated an important overlap between the experience of criminal and civil injustice. Underlying this is a commonality of vulnerability to crime victimisation and civil justice problems, with socially excluded groups being more likely to suffer from both crime and civil injustice. We have also been able to illustrate a substantial difference in the pattern of civil justice problems reported by socially excluded and non-socially excluded victims, with the latter group having more in common with non-socially excluded non-victims.

The interrelationship between crime victimisation, social exclusion and the experience of civil justice problems highlights the need to regard all as matters of general public concern. Civil justice problems, for example, are not problems that should concern only lawyers and those charged with civil law policy development. They relate to and impact on many aspects of people's lives and well-being, from health and housing to personal safety and citizenship. They are also a part of the complex social processes that manifest in crime and social exclusion, and actions aimed at preventing, resolving or mitigating them will also have a bearing on actions aimed at preventing, reducing and mitigating crime and social exclusion. Thus, the interrelationship between crime victimisation, social exclusion and the experience of civil justice problems also indicates the potential benefits of integrated strategy, policy and services in these fields.

Within the context of civil justice problems, the Legal Services Commission's strategy for the Community Legal Service involves integrating different forms of legal advice services through the development of Community Legal Advice Centres (CLACS) and Networks (CLANS). It is intended that these will provide seamless access to legal advice relating to social welfare and family problems. It is also intended that they will offer outreach services for vulnerable hard-to-reach communities and groups. As the evaluation of the Financial Inclusion Fund Money Advice Outreach Pilot evaluation indicates, this may be facilitated through the location or co-ordination of advice services, with other services aimed at such communities and groups (Buck et al, 2007). This points to wider integration with other forms of service.

Such wider integration, which can take many forms – from simple awareness-raising of interrelated problems, with a view to facilitating problem-noticing and signposting/referral (Pleasence, 2006), to the co-location of services and integration of policy and management processes – promises much to efforts to tackle complex social problems. Recognition of this is evident in government initiatives such as Crime and Disorder Reduction Partnerships and Education Action Zones. It is also evident in suggestions, such as that in a recent Social Exclusion Task Force report (2006: 9), that services aimed at the most excluded are more effective if provided through 'tailored programmes of support built around strong and persistent relationships with those at risk'.

In the context of this paper, given the substantial overlap between the experience of civil justice problems and crime victimisation, victim organisations can be seen to have a potentially important role as signposters in the civil justice system. The possible impact this could have is suggested by the fact that community-based Victim Support services assist 1.3 million people a year and Witness Services help a further 400,000 people (Victim Support, 2005).

Also, beyond integration, there are potential benefits to be had from knowledge transfer in relation to service delivery in different but connected areas. The methods that are used to reach vulnerable communities and groups in one area of service delivery may provide valuable lessons for services in general. A recent Legal Action Group (2007) discussion paper has observed that the user

⁸ In addition, Estrada and Nilsson (2004) found that an increase in levels of victimisation may be seen as an indicator of increasing welfare problems.

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perspective on legal services is often absent from strategic policy and planning processes. Yet it has been argued that a crucial facet of effective legal (and more general) service delivery is that 'services mirror the behaviour and capacity of those people who wish to use them, and in doing so are physically and intellectually accessible ... [and] exhibit cultural empathy' (Pleasence, 2006: 165).

In summary, our findings are important in policy terms as they suggest that services aimed at victims and those who experience broader social problems,

including civil justice problems, should be effectively co-ordinated and might, in some instances, be usefully delivered through common methods and locations. They also suggest that dealing with any of these issues in isolation is likely to be less successful than an approach that acknowledges the connections between them.

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This briefing is available as a free download from www.kcl.ac.uk/ccjs. Detailed and related findings from the English and Welsh Civil and Social Justice Survey are set out in:

- Pleasence, P. (2006), *Causes of Action: Civil Law and Social Justice*, London: TSO.
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