

TLEF Research Findings

# The Legal Problems of Renters

Findings from *How People Understand and Interact with the Law*

*Pascoe Pleasence and Nigel Balmer, June 2015*

The  
Legal  
Education  
Foundation

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# Background

At the time of the 2011 Census, 8.3 million (or 36 per cent) of households in England and Wales were rented. Thus, the ability of individual citizens to resolve legal problems related to rented housing is a matter of broad societal importance. Looking at the English and Welsh Civil and Social Justice Panel Survey (CSJPS), renting housing problems were reported by 4 per cent of first wave respondents, 3 per cent of second wave respondents, and accounted for 7 per cent of all 'justiciable problems'<sup>1</sup> across both waves. Looking at just respondents who rented their home, problem prevalence rose to 10 per cent.

As detailed elsewhere, rented housing problems are far from uniformly distributed across those who live in rented accommodation. They are more common for particular population groups, reflecting the 'social patterning' of legal problems (Plesence, Balmer & Denvir, 2015). For example, the youngest survey respondents reported more such problems than others, as also did lone parents and cohabitants with children. Rented housing problems were reported to have often lasted a long time, with almost half of all problems still ongoing after twelve months and more than a quarter still ongoing after two years. Thus, their impact is felt both widely and deeply.

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These findings are taken from "How People Understand and Interact with the Law" (2015) by Pascoe Plesence, Nigel Balmer and Catrina Denvir. The full report is available to download at: [www.thelegaleducationfoundation.org/research](http://www.thelegaleducationfoundation.org/research)

<sup>1</sup> Problems that can be resolved through legal process, whether or not this is recognised or occurs (Genn, 1999)

# Experience of legal problems by tenure type

Those renting privately (rather than in the public sector) were the most likely to have non-housing related legal problems. Table 1 shows the

percentage of wave two respondents reporting one or more problems of each type by tenure type.

Table 1: Percentage of wave two respondents reporting one or more problems of each type by tenure type

Problem type	Own		Mortgage		Public sector rent		Private sector rent		Rent free	
	N	%	N	%	N	%	N	%	N	%
Consumer	122	8.5%	132	11.1%	28	4.6%	22	5.9%	16	5.7%
Employment	45	3.1%	124	10.4%	32	5.2%	29	7.7%	19	6.8%
Neighbours	76	5.3%	99	8.3%	96	15.7%	43	11.4%	16	5.7%
Owned housing	32	2.2%	44	3.7%	3	.5%	6	1.6%	0	0.0%
Rented housing	3	.2%	6	.5%	62	10.1%	44	11.7%	2	.7%
Money	60	4.2%	78	6.5%	25	4.1%	28	7.4%	10	3.6%
Debt	15	1.0%	42	3.5%	63	10.3%	33	8.8%	13	4.6%
Welfare benefits	27	1.9%	38	3.2%	40	6.5%	29	7.7%	11	3.9%
Education	8	.6%	32	2.7%	21	3.4%	13	3.5%	0	0.0%
Personal injury	57	4.0%	45	3.8%	14	2.3%	20	5.3%	13	4.6%
Clinical negligence	10	.7%	16	1.3%	18	2.9%	10	2.7%	6	2.1%
Divorce	6	.4%	21	1.8%	4	.7%	14	3.7%	1	.4%
Relationship breakdown	9	.6%	22	1.8%	18	2.9%	23	6.1%	6	2.1%
Domestic violence	8	.6%	13	1.1%	12	2.0%	11	2.9%	4	1.4%
Care	1	.1%	3	.3%	1	.2%	2	.5%	1	.4%

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# Understanding rented housing related legal rights

As part of the CSJPS, a random sub-sample of respondents were asked a series of 'Yes/No' questions about legal the rights and responsibilities of characters in a hypothetical scenario (or vignette) relating to an escalating rented housing problem. In total, 1,005 respondents answered these questions.

In the scenario, 'Alisha' (the protagonist) agrees to rent a house<sup>2</sup> from a landlord who lets out a number of properties and lives elsewhere. Six weeks after moving in, she discovers that the bath has been leaking, causing the house to become damp. She 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. At this point in the scenario, respondents were asked whether the landlord is entitled to enter the house in this way and whether the landlord is legally obliged to repair the leak. Respondents were then told that the landlord refuses to repair the leak, and that, three months after moving in she herself pays for the repair to be done and deducts the cost from the

next rent payment. She 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. The landlord says she is in breach of the tenancy agreement by not paying the rent in full. At this point in the scenario, respondents were asked whether Alisha has breached her tenancy agreement by not paying her rent in full and whether, if she refuses to leave, the landlord is able to evict her without first obtaining a Court Order. Respondents were then told that, after 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. Respondents were asked if the two employees have the legal right to enter the property to remove Alisha's belongings. Finally, respondents were told that before the 28th day the landlord obtained a Court Order stating that Alisha must leave the house by the 28th day.

<sup>2</sup> In the housing scenarios, respondents were told that Alisha had a lease for six months, one year or two years.

## Understanding rented housing related legal rights continued

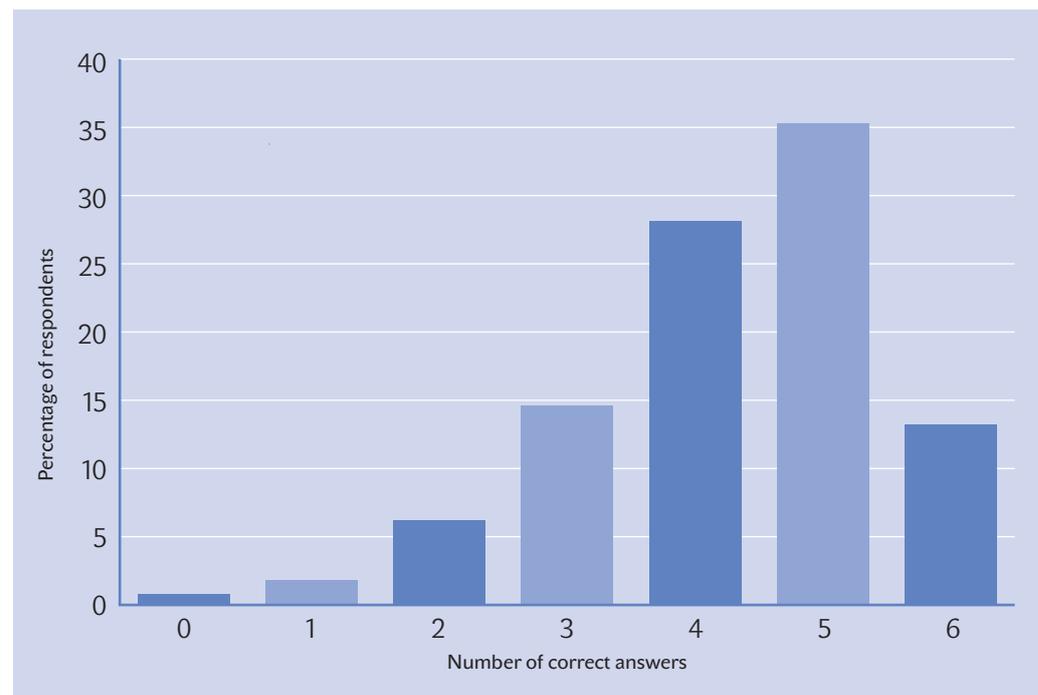
Respondents were then asked whether the two employees now have the legal right to enter the property to remove Alisha's belongings after 28 days have passed.<sup>3</sup>

On average, respondents answered 4.3 (SD=1.2)(71 per cent) of the 6 housing scenario questions correctly, with 77 per cent of respondents managing to answer 4 or more questions correctly, 49 per cent answering at least 5 correctly and

13 per cent answering all 6 correctly. It should, though, be noted that respondents did not always offer answers to the questions; sometimes simply stating that they did not know. In fact, just 59 per cent of respondents answered all 6 housing questions decisively.

Figure 1 shows the number of correct answers for the six rented housing questions.

Figure 1: Number of correct answers (Housing scenario)(n=1055)



<sup>3</sup> The 'correct' answers to the questions were that (1) the landlord cannot enter the property in the way described, (2) the landlord is legally obliged to repair the leak, (3) Alisha breaches her tenancy agreement by not paying her rent in full, (4) the landlord cannot evict Alisha

without first obtaining a Court Order, (5) the two employees do not have a right to enter the property, and (6) the two employees still have no right to enter the property following the Court Order being obtained.

## A detailed picture

Of the housing questions, questions concerning whether a landlord is legally obliged to repair a leaking bath (91 per cent) and whether employees of a landlord are allowed to effect an eviction without a Court Order (84 per cent) were most likely to be answered correctly. In contrast, the lowest likelihood of a correct answer was associated with the question concerning whether a landlord's employees are allowed to effect an eviction following the grant of a Court Order (33 per cent).

The percentages of respondents answering each of the six questions correctly were as follows;

- Is the landlord entitled to enter the house? (77.4 per cent)
- Is the landlord legally obliged to repair the leak? (91.4 per cent)
- Has Alisha breached her tenancy agreement by not paying the rent in full (66.9 per cent)
- Can the landlord be able to evict Alisha without a Court Order? (73.9 per cent)
- Do the two employees have the right to enter the property after 28 days? (84.1 per cent)
- Do the two employees have this right if a Court Order has been obtained? (32.5 per cent)

Figure 2: Number of correct answers (Housing scenario) (n=262/743)

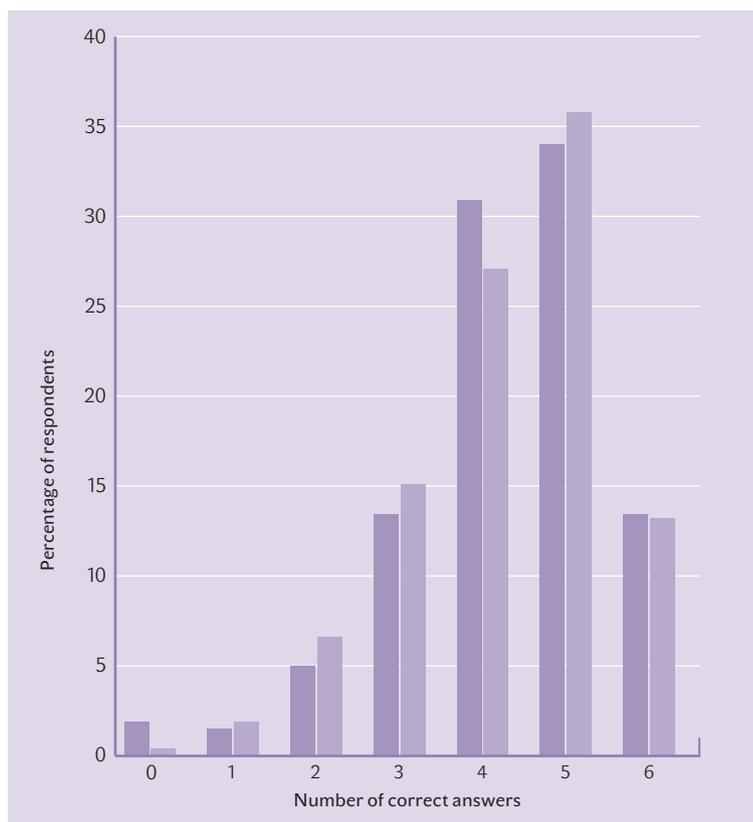


Figure 2 sets out the different housing scenario scores of those respondents living in the rented sector – and therefore more at risk of problems of the type depicted in the scenario – and those living elsewhere.

## A detailed picture continued

### Professed understanding of rented housing rights concerning real life problems

Both waves of the CSJPS incorporated questions asking respondents, first, whether they had understood their legal rights at the time reported legal problems arose<sup>4</sup> and, then, if respondents said that they hadn't, whether they understood their legal rights now (i.e. at the time of interview),<sup>5</sup> where any additional knowledge had come from<sup>6</sup> and what they believed their rights were.<sup>7</sup> Table 2 shows professed knowledge of legal rights at the onset of problems for

three types of rented housing issues (and CSJPS problems as a whole). As can be seen, in each of the three cases, the majority of respondents only felt they knew their rights 'in part' or 'not at all'.

Low rates of professed knowledge of rights were particularly associated with those without educational qualifications, younger respondents, respondents in 'routine manual' professions and those who spoke a language other than English at home.

Table 2: Professed knowledge of legal rights at onset of problem

Legal problem type	Extent of professed knowledge (Understood ...)				
	N=	Completely %	Mostly %	Partly %	Not at all %
Housing disrepair	119	20%	20%	20%	40%
Rent arrears/ Eviction	31	19%	19%	10%	52%
Terms of lease	25	16%	28%	24%	32%
All CSJPS problems	3023	25%	21%	21%	34%

<sup>4</sup> "Thinking about the time the problem first started, to what extent did you understand your legal position - for example, what your legal rights were?" The available responses were 'Completely', 'mostly', 'partly', 'not at all'.

<sup>5</sup> "To what extent do you now understand what [your/their] legal

position was?" The available responses were 'Completely', 'mostly', 'partly', 'not at all'.

<sup>6</sup> "How did you come to understand where you stood, legally at the time the problem first started?"

<sup>7</sup> "Can you describe, briefly, what your legal position was?"

# CSJPS respondents' perceptions of rented housing problems

When looking at all the problems – housing and others – asked about in the CSJPS, respondents most commonly characterised problems as being the product of 'bad luck'.<sup>8</sup> Indeed, 47 per cent of problems were characterised in this way. A significant proportion were also characterised as 'bureaucratic' (18 per cent), 'moral' (14 per cent) and 'social' (12 per cent). Next, 11 per cent of problems were characterised as 'legal', 7 per cent as 'criminal', 7 per cent as 'private' and, finally, 6 per cent as 'family/community'.

Table 3 shows how CSJPS problems as a whole, and rented housing problems in particular, were characterised by survey respondents. As shown, legal characterisation of rented problems, while more common than for problems as a whole, was still relatively rare, with 'bad luck' by far the most common way of describing problems.

Table 3: Characterisation of legal problems

Legal problem type	% of problems characterised as ...								
	N=	Bad luck	Bureaucratic	Moral	Social	Legal	Criminal	Private	Family/Community
Rented housing	212	47%	13%	13%	16%	15%	5%	4%	3%
All problems	3143	47%	18%	14%	12%	11%	7%	7%	6%

<sup>8</sup> The relevant CSJPS question was, "Which, if any, of the descriptions on this card best indicates the character of [the problem]? You can choose more than one option, or none." The options provided were 'bad luck/part of life', 'moral', 'private (i.e. not something to involve others with)', 'criminal', 'legal', 'social', 'bureaucratic', 'family/community (i.e. something to be dealt with within the family/community)', and 'none of these'.

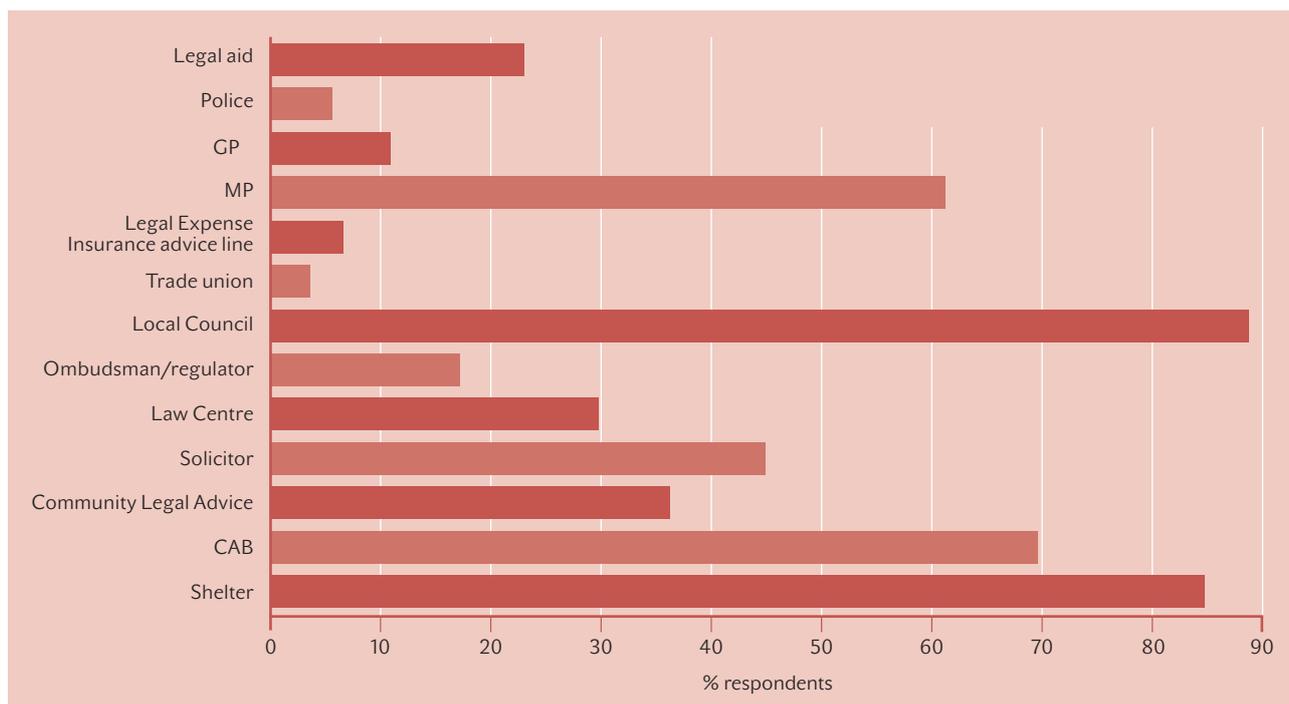
# Knowledge of the Advice Sector

Both waves of the CSJPS provided new information on the public's knowledge of the advice sector. The 2010 wave asked whether respondents 'knew something about (for example, what they do)' ten specific sources of legal advice, including solicitors, law centres, Citizens Advice, Consumer Direct, Shelter, the Local Government Ombudsman and local councils.<sup>9</sup> The 2012 wave also introduced an additional question asking respondents 'in which areas'

specific organisations could provide advice.<sup>10</sup>

While 88 per cent of respondents indicated that they knew something about solicitors (for example, what they do), 60 per cent of respondents failed to recognise that solicitors can provide assistance with housing issues. Figure 3 shows the percentage of respondents who suggested that different adviser types provided assistance with housing issues.

Figure 3: Percentage of respondents who suggested that a range of advisers could provide assistance with housing issues



<sup>9</sup> In total, 4,120 respondents answered the questions about whether they knew anything about sources of legal advice.

<sup>10</sup> The services were Shelter, Citizens Advice, Community Legal Advice, solicitors, law centres,

the ombudsmen and regulators, local councils, trade unions, legal expenses insurance, MPs, GPs, the police and legal aid. In total, between 1,714 and 1,788 respondents answered the questions relating to the different advice sources.

## Knowledge of the Advice Sector continued

### Objectives and reality of advice seeking

Survey respondents with rented housing problems most often chose to handle their problems alone (or obtain some informal advice) (73 per cent of problems) with just over 6 per cent doing nothing, 5 per cent seeking advice from an 'advice sector' advisor, 5 per cent from a law firm and 11 per cent from an other type of adviser (controlling for a range of other factors, Pleasence and Balmer, 2014). Compared to justiciable problems as a whole, this represents a particularly high percentage handling problems alone (59 per cent for all problems), lower percentage doing nothing (11 per cent for all problems) and a lower percentage seeking advice (summing

the three sources of advice above, 21 per cent compared to 30 per cent for all problems).

When those with rented housing problems were asked what they wanted from advisers and what they actually got, they gave the responses shown in Table 4. In particular, compared to other problems, respondents with rented housing problems had a particularly high percentage wanting to have their rights explained. However, compared to 35 per cent wanting their rights explained, only 25 per cent suggested that this was what they actually got from advisers.

Table 4: What respondents wanted to get from advice for their rented housing problems and what they got

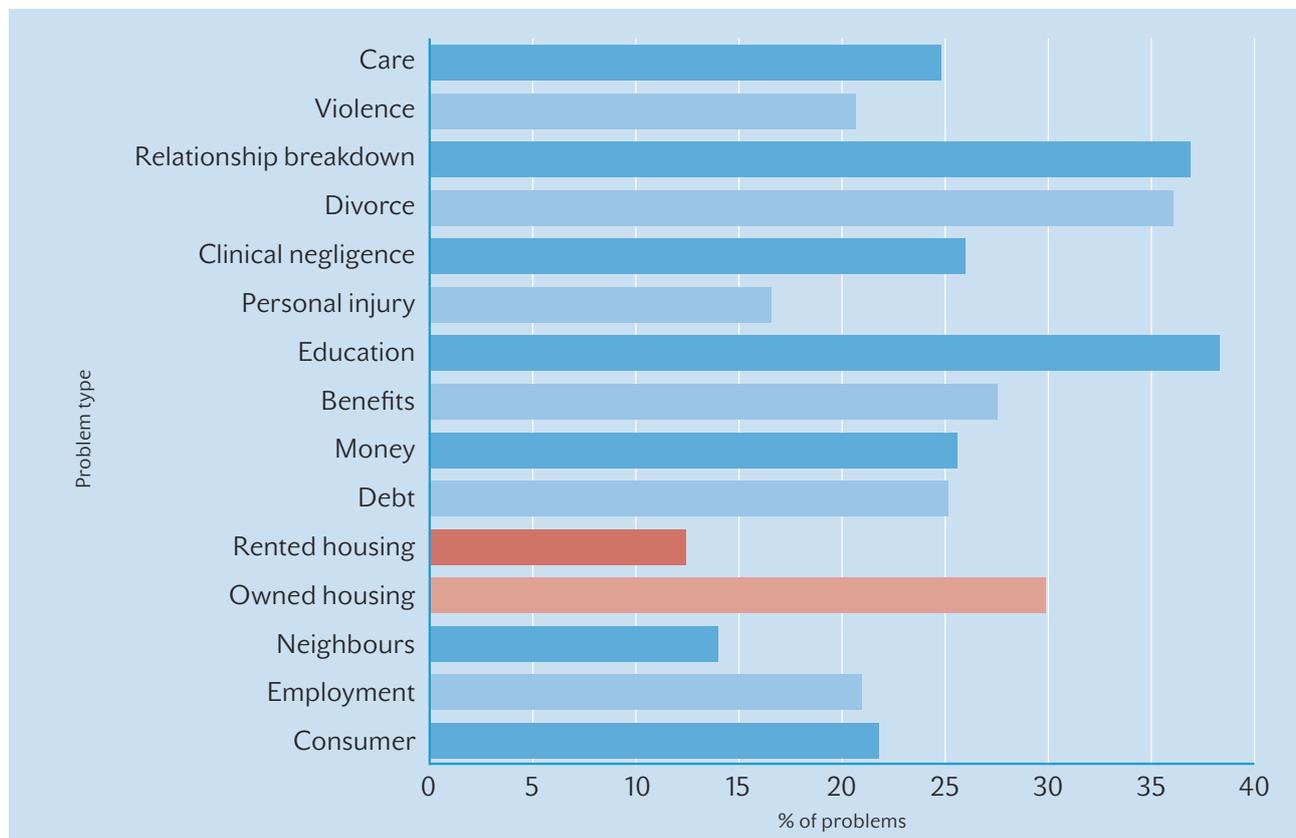
What respondents wanted from advisors	What respondents wanted % of problems	What respondents got % of problems
Sort the problem out	29.2	24.6
Talk problem over	38.5	36.9
Explain rights	35.4	24.6
Communicate with other side	23.1	32.3
Negotiate with other side	4.6	4.6
Provide moral support	12.3	13.8
Get information or advice (for client)	15.4	9.2
Prepare documentation (in entirety)	9.2	12.3
Explain communications	1.5	1.5
Signpost/refer to appropriate help	9.2	6.2
Help with document preparation	4.6	6.2

# Legal Information and Advice in the Information Age

As with use of the Internet generally, use of the Internet to help resolve legal problems continues to rise. In 2012, The English and Welsh Civil and Social Justice Panel Survey (CSJPS) indicated that people turned to the Internet for help resolving 24 per cent of legal problems, up from just 4 per cent a decade earlier.

There was also considerable variation in use the Internet to address different types of legal problem (as shown in [Figure 4](#)).<sup>11</sup> There were high rates of Internet use for owned housing, but Internet use was lowest for problems concerning neighbours and rented housing.<sup>12</sup>

Figure 4: Percentage of problems for which the Internet was used, by problem type (simulated from regression analysis)



<sup>11</sup> Testing all of the problem type terms simultaneously;  $\chi^2_{14} = 41.99$ ,  $p < 0.001$ .

<sup>12</sup> With use for both neighbours;  $\chi^2_1 = 5.37$ ,  $p = 0.020$

and rented housing problems;  $\chi^2_1 = 4.86$ ,  $p = 0.027$  significantly lower than for the consumer model reference category.

# Capability, Problem Experience and Demographics

## Exploring lower and higher capability respondents

This section explores the interaction between variables and measures considered in previous sections and how this interaction relates to aspects of problem experience and respondents' characteristics. It is focused on two sets of problems reported through the CSJPS:

- Those problems about which respondents suggested they knew their rights only 'partly' or 'not at all' at the outset, and where respondents knew something about a maximum of five of the ten types of adviser they were asked about in general questioning and had a relatively low subjective legal empowerment score<sup>13</sup>.
- Those problems about which respondents suggested they knew their rights either 'mostly' or 'fully' from the outset, and where respondents knew something about the majority of adviser types they were asked about in general questioning<sup>14</sup> and had a relatively high subjective legal empowerment scores<sup>15</sup>.

In total, there were 340 problems of the first type (where problems might be described as 'less understood'), and 365 problems of the second type (where problems might be described as 'better understood').

Problems that were better understood were less likely to be rented housing problems than other types of problem, such as owned housing or consumer related problems. Better and less understood problems were also associated with different types of accommodation and tenure. Less understood problems were associated with those living in flats (14 per cent compared to 6 per cent) and terraced housing (32 per cent compared to 21 per cent). Conversely, better understood problems were associated with those living in semi-detached (34 per cent compared to 27 per cent) or detached housing (40 per cent compared to 27 per cent)<sup>16</sup>.

<sup>13</sup> Of 20 or less on a scale ranging from 6 to 30.

<sup>14</sup> Knew something about six to ten of ten advisor types presented.

<sup>15</sup> Of 21 or more on a scale ranging from 6 to 30.

<sup>16</sup> Not surprisingly, this difference was highly significant;  $\chi^2 = 42.69$ ,  $p < 0.001$ .

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# About the project

This information is drawn from 'How People Understand and Interact with the Law,' by Prof Pascoe Pleasence, Dr Nigel J Balmer, and Dr Catrina Denvir, published by PPSR, Cambridge 2015. Their analysis is based on circa 4,000 interviews conducted for the English and Welsh Civil & Social Justice Panel Survey (CSJPS); 2010 and 2012.

It was funded by The Legal Education Foundation (TLEF).

## About TLEF

The Legal Education Foundation is a grant making trust that promotes legal education to help people better understand and use the law.

Its current strategic plan sets out three programme objectives – to increase public understanding of the law and the capability to use it, to advance skills and knowledge in the legal sector to ensure legal needs are met and to increase access to employment in the law with a particular interest in social mobility and diversity. The Foundation also has a strong focus on the role of evidence and the role of technology. In 2014-15, the Foundation disbursed £3.7million to a range of

organisations working in different social, professional and academic settings across the UK. The majority of these organisations have charitable status. Although only operating as a grant making trust since 2013, the origins of the Foundation date back to a law tutorial firm established in the 1870s. This went on to become the College of Law which, by 2011, was delivering courses to 7,500 students a year at eight centres across England. Following a major strategic review concluding in 2012, the governors of the college decided to sell the education and training business and to devote the monies generated by the sale to endow the organisation as a Foundation.

## Bibliography

Pleasence, P., Balmer, N.J., (2014) "How People Resolve 'Legal' Problems, A Report to the Legal Services Board" Legal Services Board 2014, available at: <https://research.legalservicesboard.org.uk/wp-content/media/How-People-Resolve-Legal-Problems.pdf>

Pleasence, P., Balmer, N.J., Denvir, C., (2015) "How People Understand and Interact with the Law" Published by PPSR, Cambridge, United Kingdom available at: [www.thelegaleducationfoundation.org/report/how-people-understand-and-interact-with-the-law](http://www.thelegaleducationfoundation.org/report/how-people-understand-and-interact-with-the-law)



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