

Developing capable citizens: the role of public legal education

The report of the PLEAS Task Force

July 2007



Developing capable citizens: the role of public legal education

The report of the PLEAS Task Force

July 2007



www.pleas.org.uk

Contents



Preface	4
Acknowledgments	5
1 The problem	7
2 How public legal education can help	9
What is PLE?	9
PLE and the citizen	9
PLE and key social agendas	10
3 Current provision of public legal education	13
Target users and goals	13
Delivery methods	15
PLE providers	16
4 Obstacles to effective public legal education	19
Lack of a coherent identity	19
Isolated initiatives	19
Short-term funding	19
PLE provision is patchy and uneven	20
Good practice has been unable to develop	20
5 A strategy for PLE	23
Strategic tasks	23
Principles	23
What we have learned from others	24
A new independent PLE agency	25
Year one activities	27
Year two and three activities	28
6 Conclusions and recommendations	29
Appendix: Task Force Members	31
Endnotes	32

Preface



In September 2004 Advice Services Alliance (ASA), the Citizenship Foundation (CF) and Legal Action Group (LAG) published a consultation paper *Towards a national strategy for public legal education (PLE)*. In June 2005 the results of this consultation were published as *Public Legal Education: a Proposal for Development, with a key recommendation for a steering group to review how best to improve PLE*.

ASA, CF, and LAG then entered into discussions with the Department for Constitutional Affairs (DCA, now the Ministry of Justice), and in January 2006 DCA established the independent Public Legal Education and Support (PLEAS) Task Force.

Chaired by Professor Dame Hazel Genn DBE QC, PLEAS was set up to consider the case for a strategic approach to PLE. Task Force members were drawn from many organisations, including from government departments and agencies, from the legal, advice and education professions, from citizenship and other voluntary groups, and from equalities organisations.

Starting in January 2006, the Task Force met over a period of one year, with the aim of defining public legal education (PLE) and making the case for PLE across government, among policy makers, within the legal, advice, and education professions, and the voluntary and community sectors.

Through a series of meetings, research exercises, and presentations, the Task Force has developed an analysis of current PLE provision that includes an account of its strengths and of the main obstacles to the successful growth of PLE today. This report presents that analysis and recommends a coherent and realistic development strategy for the improvement and spread of PLE today.



Acknowledgments

We wish first of all to thank the three third sector organisations – Advice Services Alliance, Citizenship Foundation and the Legal Action Group – whose initiative and vision for public legal education started the process that led to the creation of the PLEAS Task Force.

We also wish to express our thanks to the Ministry of Justice (MoJ) for funding and supporting our work. We are especially grateful to Bridget Prentice MP, Parliamentary Under-Secretary at the Ministry, who launched the Task Force in late 2005. We are indebted to the MoJ's Research Unit for their overall support for our research efforts, and in particular to Mark Sefton who undertook early essential scoping research into public legal education on our behalf. We would also like to pay tribute to Amanda Finlay, Director for Legal Aid Strategy, for her insightful contributions to the Task Force deliberations and her wise advice.

We have throughout enjoyed the close support and guidance of the MoJ's Education, Information and Advice Team, led by Atul Sharda. EIA has offered valuable practical support, funding our various activities – notably our secretariat, research, publications and events – and offering important guidance on a whole series of issues.

Without the cooperation of a wide range of organisations our work would have been much more difficult, and we are grateful to all of those – third sector, government, and private sector organisations – who gave their time to help us to understand their roles, interests, and ideas. Among these we are especially grateful to the Advice Services Alliance, the Bar Council, and the Law Society.

Others were not only helpful in general, but also took the time to make presentations to the Task Force to assist our deliberations. We are especially grateful to Community Legal Service Direct, the Financial Services Authority, Galleries of Justice, the Learning and Skills Network, NHS Direct Online, NIACE, the Home Office Respect Task Force, and the Preventing Possessions Project. We are particularly grateful to Pascoe Pleasence and Alexy Buck of the Legal Services Research Centre. The Legal Services Research Centre not only presented the findings from their most recent Social Justice Surveys to the Task Force, but also offered valuable research cooperation, by including in the survey questions which gave the Task Force evidence of the key role of knowledge and understanding for citizens attempting to deal with legal issues. Their report on this vital research is published at the same time as this report.

Finally, we are indebted to John Seargeant, the Task Force Manager, for his hard work during the life of the Task Force and the considerable effort that he put into ensuring that the views, concerns and interests of the Task Force members have been captured and represented in the final report.

Hazel Genn

Task Force Chair

Dan Mace

Task Force Vice Chair

1

The problem



1. Life in 21st-century Britain is complex and fast-changing. We live longer and more varied lives than before. We change homes, jobs and partners more often. Our financial circumstances can be more unpredictable. And we face a seemingly endless stream of new laws that impinge on daily life, which many of us find it difficult to keep up with.
2. Management of the complexities of daily life requires an effective legal system and a population capable of making good use of that system. Capable citizens need to be able to understand how the law affects their daily lives, from the routine to the most vital aspects, and be sufficiently knowledgeable, skilled and confident to take up issues, deal with problems, make best use of the opportunities and the protections offered by the legal system, identify its gaps, failures and weaknesses, and challenge wrong decisions when they occur.
3. All of this demands of us that we are capable of using the law and the legal system wisely and efficiently. But for the most part we fail in this task. The evidence is clear: most of us have little interest in things ‘legal’ until faced with a real problem. We do not understand the legal system, and do not use it to our benefit. Often when we do act, it is too late and not the right thing to do, so problems either remain unresolved, or worse still escalate and multiply.
4. Research¹ shows just how common legal problems are, and how many are not dealt with. One-third of the population has experienced a civil justice problem, but many do nothing about it – often because they think, wrongly, that there is nothing they can do or that there is no local legal advice provider who might help.
5. In addition, the role of the ‘legal’ in a problem or a situation is rarely well understood. Despite the importance of the legal in, for example, relationship breakdown, illness, loss of a job, buying or renting property, or in debt problems, it is common for people to fail to identify how the law can be used. The legal may even be regarded as unhelpful or treated with suspicion.
6. Public understanding of the legal system emphasises a few aspects of the criminal justice system: primarily the police, but also judges and juries in the criminal courts. Such misperceptions add to the difficulties of using the law, and contribute to the tide of unnecessary helplessness that characterises the widespread failure to deal with daily life issues.
7. This extraordinary lack of understanding is a major reason why around one million civil justice problems go unresolved every year. This is legal exclusion on a massive scale.
8. The same research also tells us how the legal problems associated with employment and housing cluster with money problems and lead to a cascade effect in which a difficulty in one aspect of life leads to problems in other areas. For instance, one-sixth of people with legal problems also experience ill-health or lose their jobs, and in a small number of cases unresolved legal problems lead to violence or to loss of the home.

The cost of unresolved legal problems...

Recent research shows that eight per cent of law-related problems result in violence or damage to property. 'Where physical assault and property damage was a consequence of justiciable problems', researchers estimated that 'the resultant criminal justice costs were £255 where respondents reported being physically assaulted and £126 where property was damaged.'

Mounting Problems: Further Evidence of the Social, Economic and Health Consequences of Civil Justice Problems. Pascoe Pleasence, Nigel J. Balmer, Alexy Buck, Marisol Smith & Ash Patel (2007), in Pascoe Pleasence, Alexy Buck & Nigel Balmer (eds) *Transforming Lives: Law and Social Process*, Norwich: TSO.

9. The burden of unresolved legal problems falls more heavily on the socially excluded, who are less likely than the average citizen to take any action or seek help with their problems. Health, disability, age, income and level of economic activity can be linked to the incidence of law-related problems². And vulnerable citizens – those in temporary accommodation, single parents, and younger, less economically active people and those on very low incomes – are especially prone to multiple problems³.

Legal problems and homelessness...

The same research shows that six per cent of civil justice problems lead to loss of a home. Forty-six per cent of people in this situation end up in temporary accommodation at an average cost to the local authority of £5,640, whilst the costs of a failed tenancy can range from £4,000 to £10,500 per case.

Mounting Problems. Homelessness Prevention and Housing Associations – Contributing to Efficiency, Chartered Institute of Housing, April 2006.

10. Solicitors and advice agencies paint a similar picture⁴. Some service users suffer from more difficulties because their problems are linked, and because they are among the most vulnerable in society. Also, their problems cause, or are accompanied by, considerable stress, anxiety, and physical and mental health problems, leaving clients with little energy for solutions.

Unresolved legal problems cost individuals and the public purse...

- 372,000 people lose their jobs, resulting in £2 billion lost income
- 1,100,000 people suffer a stress-related illness serious enough to seek medical help
- 250,000 relationships break down.

Causes of Action: Civil Law and Social Justice, Second Edition, LSRC Research Paper No. 14, Pascoe Pleasence et al. 2006.

11. Overall, the cost of unnecessary helplessness in avoiding or managing legal problems is staggering. Ministry of Justice economists estimate that over a three-and-a-half-year research period, unresolved law-related problems cost individuals and the public purse £13 billion⁵.

2 How public legal education can help



What is PLE?

- 12.** In the course of our work, the Task Force has developed a working definition of public legal education (PLE) that provided a framework for our deliberations:

‘PLE provides people with awareness, knowledge and understanding of rights and legal issues, together with the confidence and skills they need to deal with disputes and gain access to justice. Equally important, it helps people recognise when they may need support, what sort of advice is available, and how to go about getting it.

PLE has a further key role in helping citizens to better understand everyday life issues, making better decisions and anticipating and avoiding problems.’

- 13.** PLE is also a valuable tool for helping citizens to identify failings and wrong decisions and take action over these matters as well.
- 14.** The Task Force recognises that there are different ways to describe PLE, and in offering this broad definition we are not seeking to create an exclusive notion whose words need to be followed precisely.

PLE and the citizen

- 15.** Public Legal Education is the tool we need to achieve legal capability. It has a key role in helping citizens to understand the law and to use it more effectively in their daily lives, bringing many different individual and social benefits. PLE is the missing element in the creation of the legally-enabled citizen.
- 16.** PLE aims to help people develop a new awareness of how things work, what particular laws can offer, and what options and opportunities are available in a particular situation. Many people need new or enhanced skills to deal with issues, which PLE can help them develop – for example in communication, decision-making, record-keeping and negotiation. They also need the confidence to put these skills into action and to persevere in pursuit of the result they want.
- 17.** Enabled citizens are better equipped to take the sort of preventive action that avoids escalation and crises. They can avoid, for example, tribunal and court proceedings, leading to outcomes that are quicker, less stressful and less costly for both sides in a dispute. Also, relationships between parties can continue where otherwise these might break down. Earlier settlement of disputes, especially before formal stages are reached, is less consuming of resources overall.
- 18.** Enabled citizens can also plan their daily lives better, recognising and making better and timelier decisions about the issues that need their attention.
- 19.** The knowledge, skills and confidence people gain through PLE are of value not only for one specific situation, but also for other times and problems. Once people have had a positive experience of resolving one problem, they come to expect that they can secure positive outcomes in other situations. Transferability of knowledge, skills and confidence is a key feature of good PLE.

Enabled citizens are better equipped to take preventive action and avoid escalation...

The Legal Services Research Centre provided the Task Force with the results of original research into the influence of people's knowledge and awareness of rights and remedies offered by the law on the resolution of a problem. This showed:

- there is a strong association between knowledge of rights and processes and success in dealing with legal problems
- lack of knowledge and awareness links strongly to negative consequences
- people who lack knowledge are much less likely to achieve their objectives in dealing with a legal problem.

Education Implications from the English and Welsh Civil and Social Justice Survey, Alexy Buck, Pascoe Pleasence, Nigel J. Balmer, LSRC April 2007.

PLE supports the goals of the Ministry of Justice five-year strategy...

- to reduce the proportion of disputes which are resolved by resort to the courts, and
- to increase the level of satisfaction of users of the justice system through quicker and better decisions, and reducing delay and costs.

Delivering Justice, Rights, and Democracy.
DCA Strategy 2004–2009.
<http://www.dca.gov.uk/dept/strategy/index.htm>

Crime, anti-social behaviour, debt and homelessness

22. PLE can contribute to the reduction of crime and anti-social behaviour, which have been linked with a range of law-related problems such as debt and homelessness. It does so primarily by helping people avoid problems that may lead them into offending behaviour. The Task Force believes good PLE can contribute to reducing rates of re-offending and thus play a role in the rehabilitation of offenders in line with the public safety goals of the National Offender Management Service.

PLE and key social agendas

20. The social value of PLE is extensive, and in this section we offer some illustrations of how PLE can support the work of a wide range of stakeholders and contribute to many key social agendas.

Social justice

21. PLE contributes to the achievement of the social justice goals of government in a number of ways. PLE encourages respect for the law by helping people understand it and encouraging them to engage with the legal system to secure improvements to their daily lives. Such engagement helps overcome negative social myths, and allows citizens to see how the law treats people fairly (and when it does not). A general sense that wrongs can be righted for the individual and for communities leads to a greater sense of social justice. Perceptions of fairness and equality also help build community cohesion and mutual trust within and between groups, and reduce social exclusion.

Re-offending rates can be reduced by housing stability...

The Social Exclusion Unit has reported that stable accommodation can reduce reconviction by 20 per cent, but many prisoners face severe difficulties accessing housing on release, half have a history of debt, and three-quarters depend on Housing Benefit for help with rent.

Reducing Re-offending By Ex-prisoners,
Social Exclusion Unit, July 2002.
[http://www.scmh.org.uk/80256FBD004F3555/vWeb/flKHAL726FB8/\\$file/reducingreoffendingexprisoners.pdf](http://www.scmh.org.uk/80256FBD004F3555/vWeb/flKHAL726FB8/$file/reducingreoffendingexprisoners.pdf)

23. Community justice, with its goals of speedier, more democratic justice, and reduced legal aid costs, can benefit from PLE targeted at both communities and offenders.

Social exclusion

24. In contributing better access to the legal system and greater confidence in people's abilities to act and to influence events, PLE also contributes to the Department for Communities and Local Government strategy of 'double-devolution' – devolving power to local decision-makers and then to citizens themselves. PLE is an important tool for promoting both participation and inclusion in disadvantaged communities.

The goals of the Department for Communities and Local Government

- prosperous and cohesive communities offering a safe, healthy and sustainable environment for all
- to build the capacity of communities to shape and protect their own future
- to tackle social exclusion and deliver neighbourhood renewal.

Strong and Prosperous Communities.
The Local Government White Paper 2006.
<http://www.communities.gov.uk/index.asp?id=1503999>

25. The Department of Trade and Industry is committed to working with vulnerable employees⁶. The Department for Education and Skills' Every Child Matters/Youth Matters agenda aims, among other things, to enable children and young people to successfully deal with significant life changes and challenges, develop financial capability and understand their rights and responsibilities as consumers and future employees⁷.

The Department for Work and Pensions

has developed a 'strategy for an ageing society' that draws on notions of 'rights and responsibilities', and discusses empowering older people to make informed choices.

Opportunity Age: Meeting the Challenges of Ageing in the 21st century. March 2005.
http://www.dwp.gov.uk/publications/dwp/2005/opportunity_age/opportunity-age-volume1.pdf

The Office of Fair Trading is seeking, through its consumer education strategy, to 'give consumers the skills and knowledge to function confidently, effectively and responsibly when buying goods and services'.

A strategy and framework for consumer education. Office of Fair Trading, July 2004.
http://www.oft.gov.uk/shared_offt/consumer_education/oft735.pdf

26. The Welsh Assembly Government has a strong focus on developing 'legally-enabled' citizens, particularly in disadvantaged communities, and PLE has an important role to play in this goal. The Department for Social Justice and Regeneration works with communities suffering the greatest disadvantage, with the goal of building strong and safe communities through reducing deprivation, supporting vulnerable children and adults, and improving housing.

The Welsh Assembly Government strategy

focuses on the pursuit of user and citizen-centred service provision, helping communities to take advantage of the policies of democratic accountability, and stronger participation in local service delivery.

Making the Connections: delivering better services for Wales. The Welsh Assembly Government vision for public services. Welsh Assembly Government, October 2004.

Beyond Boundaries: Citizen-Centred Local Services for Wales. Welsh Assembly Government, July 2006.

Human rights

27. PLE supports the promotion of human rights. Although the Human Rights Act formally gave people the power to enforce their existing rights under the European Convention of Human Rights in our domestic courts, it was intended to have far wider reach and impact. For the first time everyone was to have a set of positive entitlements like the right to a family life, as well as important protections like the right to be free from inhuman or degrading treatment. The intention of the Act was to empower people with a new language and a clear set of minimum standards with which to negotiate with public services (including the courts – public bodies themselves) and hold the state to account.
28. This is the context in which PLE advances human rights: by enabling people to understand how rights under the Human Rights Act will impact on everyday life, and what can be done if these rights are infringed. The ‘legally enabled’ citizen is better equipped to understand and pursue both their own human rights and those of others. And securing human rights in this daily sense will have the broader effect of contributing to a more legally enabled society.
29. The Task Force expects that the newly-created Commission for Equality and Human Rights will be a key early partner in the further development of PLE.

Effective government

30. PLE contributes to effective government through its capacity to enhance public understanding of how government can configure support, information, and help. As with human rights, PLE will enable the ‘consumers’ of public services to play their part more effectively in what government describes as their ‘transformation’. A good example of recent transformation proposals can be found in the Varney Review⁸, which links efficiency with good customer service, and proposes closer involvement of the citizen in developing the right services delivered in the best way possible. A recent review by the Department of Trade and Industry of dispute resolution⁹ treads a similar path, concluding that better, earlier information and advice, and better access to mediation, will be more effective in resolving disputes than the regulatory framework that is currently in place.

3 Current provision of public legal education



Target users and goals

31. There are many types of PLE, aimed at different users, and with a wide range of specific goals. Faced with a diversity of projects and initiatives, the Task Force has concluded that what good PLE initiatives have in common is commitment to legal capability, and painstakingly devised profiles of who they are targeting and what they hope to achieve for those targeted.
32. Good PLE mirrors the practices of the commercial world in putting a lot of effort into understanding 'customers'. Just as advertisers profile their target markets, so successful PLE initiatives have well-specified audiences, groups of users, or participants – from a small local group to a broad category of people or indeed the whole of society.
33. Good PLE starts by establishing:
 - what knowledge users need
 - what skills users need to take different actions
 - what courses of action are available and feasible
 - what personal, emotional and support issues might arise for users
34. PLE users may be defined, for example, by geography, age, gender, disability, sexual orientation, ethnicity or marital status, as well as by level of literacy and numeracy and possibly preferred learning style. Users may also be defined through their 'life situation' – for example, people with tax planning needs, financial planning needs or debt problems, prisoners coming up to release, disaffected teenagers, cohabiting

- **Shelter Cymru and partners** created '**Information Matters**', a three-year project started in 2003 which sought to help people living in the Neath Port Talbot area in South Wales who had social welfare-type problems but did not use traditional advice services.

The project developed a resource pack of basic diagnostic information on consumer, debt, housing and welfare benefits issues, with information on where to refer people for further advice. The pack was aimed at professionals (described as 'problem noticers') who came into contact with the public, but who were not advisers – including health visitors, social workers, probation teams, mental health teams and voluntary groups.

The packs were produced in English and Welsh, and were promoted through briefing sessions for the intermediaries. Seven hundred packs were distributed via 36 briefings over the three-year project. In year 3 training for problem noticers was added.

Some 75% of the problem noticers briefed used the packs, and referrals to specialist advisers increased by almost half – to over 1,300 from July 2004 to June 2006. The pack is now on a range of websites and available at all public libraries in Neath Port Talbot.

Feedback sheets inside the packs were used for evaluation with individuals, and group feedback was collected by revisiting briefing groups for qualitative responses on use and benefits. Project partners were involved in monitoring the number of referrals from briefing groups to specialist advisers. The pack will be available on Shelter Cymru's website in summer 2007.

www.sheltercymru.org.uk

couples, people with employment problems, people coming up to retirement, young people reaching adulthood, or asylum seekers.

35. A good PLE initiative is clear and detailed about precisely what it is aiming to achieve, tailoring its goals to the circumstances, capacities and needs of specific users. PLE goals vary from the very general – for example, awareness-raising – to the highly specific – such as equipping users to carry out specific actions to solve a particular problem.

● **The HMRC self assessment tax programme** was introduced following a change in the law requiring many individuals to complete self assessment tax filings for the first time – some 10 million people.

The objectives were to change taxpayers' behaviour, getting more taxpayers to take effective and prompt action, as well as to supply the information and guidance that would enable taxpayers to take those actions. A further goal was to improve the accuracy of feedback from taxpayers. The audience was diverse and a wide variety of different media campaigns were used imaginatively to reach the different constituencies, including on television, on the radio, in the national press, on posters and hoardings, and through special campaigns targeting the most difficult to reach (such as messages aimed at construction workers, who typically had the worst filing behaviour, printed onto tea/coffee cups and sandwich bags).

The campaigns were supported by a mix of incentives and an interactive helpline and website. The campaign was thoroughly evaluated each year and the lessons learned were acted on. The budget for the campaign was £7.5 million in 2005–6 reduced to £4 million in 2006–7 following a change in the tax filing system.

<http://www.hmrc.gov.uk/individuals/tmaself-assessment.shtml>

● **Help the Aged** produce **printed leaflets and information sheets, audio tapes, a website and a telephone advice line.**

Leaflets are developed with specialist organisations and with feedback from Help the Aged's panel of users and advice line. They are distributed via intermediary organisations, giving HtA a strong practitioner base in touch with user need.

HtA information resources are designed to provide information on a range of issues of relevance to the 11 million older people in the UK. They include financial, housing, health and care. A print run of 150,000 copies of a 12-page leaflet will cost about £8,000, and each title is updated every 12–24 months depending on the topic and its shelf life.

<http://www.helptheaged.org.uk/en-gb/AdviceSupport/>

● **Community Legal Education** work by **Stockton CAB** (on Teesside) seeks to raise awareness of social welfare rights and provide training/financial literacy sessions to groups in the community and students. Linked to its education work is a network of Information Points throughout Stockton that the CAB keeps stocked with appropriate leaflets.

The aim of the training sessions is to increase not only users' understanding of social welfare topics but also their confidence in dealing with these. Impact is evaluated by assessing training session participants' confidence in the subject areas of sessions before and after the sessions – analysis shows that confidence levels improve substantially.

Stockton CAB also inputs to the Citizenship Curriculum at a local school under the extended schools programme. Feedback from teachers demonstrates that students' understanding of their rights and responsibilities increases.

<http://www.everychildmatters.gov.uk/ete/extendedschools/>

Delivery methods

36. The spectrum of activities that has been used to deliver PLE is wide, and there is no single or 'correct' method. A PLE initiative may be a campaign, leaflets or a pack, a training course, classroom teaching, a theatre production, a TV programme, a mentoring scheme, a website or many other activities. Indeed during our work, we have found at least one example of each of the following:

- Leaflets, 'packs', manuals, self-help 'kits'
- Websites, podcasts
- Classroom teaching, training courses, workshops, participatory events, mentoring
- Telephone helplines
- Campaigns
- TV, DVD
- Theatre.

37. Different methods of delivery are effective for different PLE goals. Face-to-face methods such as training courses are more likely to enhance skills, generate confidence and stimulate action, and can be tailored more to specific users. Printed or online methods can offer information and guidance to users in far greater numbers, but are less likely to enhance users' skills or overcome user lack of confidence.

38. But these differences are not absolutes. Internet delivery can be shaped to maximise its effects on confidence and on the capacity to take action, and face-to-face initiatives can be extended to more users through the use of DVD, the Internet, and television. Good PLE often combines delivery methods to achieve its goals.

39. The extent to which users can be involved in the development of PLE initiatives varies with the delivery methods chosen or available. Although the Internet is available in millions of homes, websites are remote when compared with face-to-face delivery, which can be used to engage with users before, during and after an initiative, and is also better suited to the measurement of outcomes.

40. A small number of projects has shown how their methods might be transferable to other localities or used in other circumstances. The Living Together project has undertaken a series of evaluations of its work and written guidance frameworks for use by others who might have an interest in similar initiatives. The Preventing Possessions Project, despite its local remit, included the drafting of guidance on good practice for use on a national scale. An important factor in both of these examples has been funding from national sources whose interest lay, from the start, in using the pilot projects as a testing ground for more widespread initiatives if successful.

- **Streetlaw 'Plus'** is a programme created by **The College of Law** in partnership with **New Deal for Communities** initiatives in **Doncaster** (Yorkshire) and **Clapham Park** (Lambeth, London). In consultation with community groups (tenants' and residents' associations, churches, schools and others) a series of interactive presentations and workshops has been designed to deal with everyday local problems such as anti-social behaviour, poor housing conditions, youth unemployment and dispute resolution.

Law lecturers, solicitors and students lead these sessions and members of the community play an active part in role-play and discussions.

The overall aim is to increase the communities' levels of awareness on a range of rights and responsibilities in order to promote more active citizenship, and for the students to be offered the opportunity of invaluable experience of the law in practice.

Streetlaw 'Plus' has been running in Doncaster since 2001 and provides an excellent example of a successful partnership and mutual benefit. After independent evaluation and review, funding has been extended to 2008. The project in Lambeth was funded for two years and has now ended. Work on Streetlaw 'Plus' continues at The College in London.

www.college-of-law.co.uk

PLE providers

41. PLE has a global profile. It is well established in Canada where, since the 1960s, it has been delivered to schoolchildren and 'new Canadians', in Australia, where it is known as community legal education, and in the United States, as law-related education. PLE is now growing in other parts of the world: in the former Eastern Bloc, where projects are supported and funded by US law schools and bodies such as the Soros Foundation; in former Soviet Central Asia; in India and China; in sub-Saharan Africa; and in South and Central America.

The **Citizenship Foundation** has recently been engaged with educators from Oman, Syria, Egypt, Ethiopia, Japan and Russia to help develop citizenship education in schools.

The **Global Alliance for Justice Education** hosted a conference in Argentina in 2006 that included a workshop on PLE addressing the specific role of law schools in developing legal literacy.

<http://www.gaje.org>

For more than three decades the **People's Law School (PLS)** of British Columbia (BC), Canada, has been educating people – especially those with particular legal needs – about the law, through speakers, training workshops, publications, theatre, and special events, with the goal of helping people throughout BC gain a better understanding of their rights and responsibilities. PLS is funded by the Law Foundation of BC, (which was set up by statute to receive and distribute the interest on clients' funds held in lawyers' pooled trust accounts maintained in financial institutions), and the various legal departments of both the BC Provincial and Canadian Federal governments.

www.publiclegaled.bc.ca

Street Law, which is found in many countries, including the UK, originates in the US.

<http://www.streetlaw.org/content.asp?ContentId=130>

- **Southwark Preventing Possessions Project** is run jointly by **Southwark Law Centre** and **Blackfriars Advice Centre** (both in South London), with the goal of reducing the number of evictions of council tenants in Southwark due to rent arrears, through early intervention and better access to advice and support.

The project worked with council housing staff, local community groups, and advice services. A combination of delivery methods were used: development of better information for council tenants; training for community groups to enable them to understand more about housing law and to recognise problems and take the steps needed to get proper attention paid to rent arrears and possession notices; and critical advice and support to local authority housing staff to improve their own procedures and information.

As a result of these actions, evictions have gone down, bringing considerable cost savings both to tenants and to the local authority, and reducing the social harm caused by eviction.

Local voluntary agencies and community groups can now act more effectively as early 'problem notifiers' – an 'intermediary' role found in many PLE initiatives.

A local housing lawyers' network has been established based on the new relationships that developed in the project, and improved guidance for all local authorities on dealing with rent arrears has been developed by the Department for Communities and Local Government and the Civil Justice Council as part of the project.

The evaluation report will be available on the Law Centres Federation website in summer 2007.

www.lawcentres.org.uk

Providers in England and Wales

42. In England and Wales many organisations currently provide PLE, undertaking an array of different initiatives using a variety of delivery methods and aimed at many different types of user.

43. Most PLE initiatives are local and small scale, and we have identified only three attempts at wider PLE provision, all initiated by central government: the citizenship curriculum in schools; financial capability training for people in debt; and a loose assortment of school-based initiatives on crime and social issues affecting young people.
44. There are a number of other national initiatives that have some PLE aspects. For example, the Disability Rights Project is a Law Centres Federation project in England funded by the Disability Rights Commission that provides community organisations with Disability Discrimination Act casework services combined with awareness-raising and training on the provisions of the Act. And Citizens Advice and ABCUL¹⁰ have been funded by Barclays and Abbey to improve collaboration between Citizens Advice Bureaux and credit unions in line with the CAB Service goal of improving financial capability and promoting financial inclusion¹¹.
45. Locally-based PLE projects are often run in partnerships and funded from national sources. In 2003, the Legal Services Commission Partnership Innovation Budget supported a raft of ‘community legal education’ projects in both England and Wales. The Ministry of Justice and the Legal Services Commission have funded PLE projects at local levels in the past few years.
46. The Task Force has also identified the Internet as a growing source of PLE. Some agencies, for example Acas (Advisory, Conciliation and Arbitration Service) and the Equal Opportunities Commission have had strong PLE elements on their websites for some time. We have also noted a shift from ‘information-giving’ websites towards offering guidance and opportunities to take action and deal with problems and issues. National advice networks and other third-sector bodies such as Youth Access, Shelter, Gingerbread and Help the Aged are making growing use of the Internet to provide PLE tailored to the needs of their audiences.

- **Karz Ki Baatein** (Let’s talk about debt) is a TV programme dealing with debt issues broadcast by **MATV** in Leicester. MATV is a local community television channel. The programmes were a series of live half-hour phone-in chat shows on debt aimed at Asian audiences in the Leicester area. Each programme was broadcast live on a Monday night, and then repeated three times during the following week.

The Karz Ki Baatein series offered viewers information and advice in English, Hindi and Punjabi. A multi-lingual presenter was accompanied by two debt advice experts to speak with callers live on-air about how to avoid, reduce or manage debt problems.

The focus was on general education (such as the use of budget sheets, the meaning of APR, etc.), information/guidance (such as bailiffs, your rights and responsibilities, etc.) and signposting to **Leicester Money Advice** for specific advice services.

www.matv.co.uk;

www.leicestermoneyadvice.co.uk

- **National mock trials competitions** are run each year by the **Citizenship Foundation** with the **Bar Council** (in Crown Courts), and with the **Magistrates Association** (in Magistrates Courts) with support from the Ministry of Justice. Young people play all the roles in specially prepared cases in front of qualified judges and Magistrates, with the aim of giving an insight into the legal system and the people who work in it.

Run for over 15 years, the mock trials annually involve some 8,000 students, 200 barristers/advocates and 90 judges from across England, Scotland, Wales and Northern Ireland, and 800 magistrates and court staff.

Crown Courts:

<http://www.citizenshipfoundation.org.uk/main/comps.php?21>

Magistrates Courts:

<http://www.citizenshipfoundation.org.uk/main/comps.php?1>

47. The not-for-profit advice sector has a longstanding commitment to user empowerment, and the goal of legal capability has a particular appeal to advice agencies and Law Centres. It is therefore not surprising that we have found excellent PLE initiatives among advice agencies and Law Centres. For Law Centres, PLE is also part of their explicit commitment to work with disadvantaged communities.
48. There are many educational bodies – schools, colleges, universities and charitable concerns – involved in PLE. A major ongoing PLE initiative is the citizenship component of the National Curriculum for 11 to 16-year-olds in England. This includes information about legal and human rights, the criminal and civil justice systems, the law-making process, and employment and consumer rights and responsibilities.
49. The school curriculum framework in Wales does not have citizenship quite so explicitly as a ‘subject’, although one of its five key ‘themes’ is active citizenship, which includes encouraging students to become active citizens in their communities, and to develop a practical understanding of their rights. Learning about the key aspects of the criminal justice system and how they relate to young people is a part of this framework.
50. The majority of universities and colleges offer law programmes – over 80 in England alone. Many staff and law students at these institutions have shown considerable interest in PLE¹². The College of Law and BPP have a range of PLE activities including *Streetlaw* programmes in which students deliver customised PLE initiatives on civic rights and responsibilities to communities across England, and a youth project called Your Day in Court.
51. The legal profession is taking an increased interest in PLE. A number of law firms actively promote or deliver PLE as part of their *pro bono* commitment. Solicitors in private practice and barristers are involved in the provision of PLE in schools and to community organisations. The Law Society hosted and sponsored national training workshops as part of National *Pro bono* Week in 2005 and 2006.

● **Dealing with Your Debts** is a **self-help pack** offered by **National Debtline (NDL)** as an integral part of its advice and support services on debt.

The pack provides detailed advice on how to deal with debts in a step-by-step way, and prompts users at appropriate points to seek further specialist advice, either by contacting NDL or from one of 30+ fact sheets, dealing with specific issues (such as bankruptcy and credit reference files).

To enable users to take specific actions, sample letters are provided, as are budget sheets featuring ‘how to’ guidance, for example on how to complete a budget and contact creditors.

http://www.nationaldebtline.co.uk/england_wales/debt_advice.php#4

● **Advice Services Alliance’s Living Together Campaign** is provided through the Advicenow website. The campaign targets the popular misconceptions about the legal position of cohabiting couples and raises awareness of what they can do to protect themselves.

A media campaign was central to the project. Successes include a storyline in the TV show ‘Emmerdale’ and coverage on breakfast and daytime TV, as well as plentiful coverage on local radio and in local newspapers.

LivingTogether provides detailed information on many issues that arise for cohabiting couples – inheritance, housing, pensions, benefits, tax, children, splitting up etc. The website offers downloadable leaflets in a magazine style format with a focus on practical help and guidance. The website has logged 1.7 million downloads in the last three years – at a unit cost of 30p per download.

www.advicenow.org.uk/livingtogether

4 Obstacles to effective public legal education



52. The Task Force has identified five main obstacles to the future development of public legal education:

failures, are major obstacles to improvement and growth for PLE. The mechanisms that would allow providers to learn from each other simply do not exist.

Lack of a coherent identity

- 53.** PLE operates at the margins of the concerns of most its providers. No distinct or separate identity for PLE has as yet emerged in the public domain. Neither thinking nor practice in PLE has been brought together in a coherent concept, sector or body of work that makes PLE easily recognisable, understood or valued. PLE has not yet found a ‘natural’ home – whether in advice and legal services, education or elsewhere.
- 54.** Failure to identify PLE as a distinct and valuable activity in its own right has been a major barrier to progress, leaving the gains and benefits that may result from a range of PLE activities intrinsically difficult to recognise, monitor and learn from. Better understanding of PLE would help distinguish it from other activities.

Isolated initiatives

- 55.** PLE initiatives are episodic, lacking the continuity and sharing of knowledge essential for the spread of learning and good practice. Rather than being part of a sector or a movement, PLE providers act independently of one another, with little awareness of what others are doing. Some PLE providers may not even see themselves as such.
- 56.** Lack of knowledge of what others are doing or have done, of their successes and

Short-term funding

- 57.** PLE funding is often both short-term and inadequate. As a result, PLE projects are rarely if ever sustainable, and come and go depending on what funds are available, making minimal long-term impact.
- 58.** Poorly funded projects also consume large amounts of manager time in the search for continuation funds when the initial statutory or charitable project funding ends.
- 59.** Both the Ministry of Justice and the Legal Services Commission have funded a range of explicit PLE initiatives, including Advicenow’s Living Together Campaign¹³ and a range of community education projects¹⁴. The Department of Communities and Local Government’s Neighbourhood Renewal Fund funds ‘community capacity’¹⁵, including financial capability, which is also funded by the Financial Services Authority, the Financial Inclusion Task Force and through the 2006 Local Authorities Beacon Scheme¹⁶. The Department for Education and Skills funds citizenship in schools.
- 60.** Some funding from charitable trusts goes to education in the law and crime reduction. The Sutton Trust, the Law Society Charity, the Joseph Rowntree Trust and the Nuffield Foundation have all funded law-related educational work by, for example, the Citizenship Foundation¹⁷ and Galleries of Justice¹⁸.

61. In 2006, the Big Lottery Fund funded a PLE project run by the Public Law Project in association with the National Association for Voluntary and Community Action¹⁹. This provided free advice and training on public law principles to every voluntary sector organisation that receives funding from public bodies. The Big Lottery fund also has a £50 million 'Advice Plus' funding stream in England that could in principle fund legal education initiatives in the not-for-profit advice sector.
62. A short-lived umbrella group representing the interests of 'legal literacy' providers was launched in February 2003 under the name StreetLaw UK and supported by a major law firm, the Citizenship Foundation and the College of Law, but foundered due to lack of funds.
63. Because PLE has not yet been identified as a distinct activity, it is not possible to say how much is spent in total on it. But as a proportion of overall spending on public information (including government spending on communication and information, which is substantial), we can confidently say that PLE funding is small.

The National Audit Office assesses DWP expenditure on communications at £110 million in 2004/5, with the estimated cost of its 245 information leaflets being £31 million.

Department for Work and Pensions: using leaflets to communicate with the public about services and entitlements.

NAO January 2006

http://www.nao.org.uk/publications/nao_reports/05-06/0506797.pdf

OFT-commissioned research concluded that approximately £43.9 million was spent on consumer information.

Consumer Education: establishing an evidence base. COI April 2006.

http://www.oft.gov.uk/shared_ofc/consumer_education/conedresearch.pdf

PLE provision is patchy and uneven

64. Despite the wealth of creative effort that has been dedicated to developing PLE projects, the spread of PLE across providers, issues and potential users remains uneven. Because PLE initiatives tend to take place in isolation, there is rarely any consistency in decisions to develop projects, and no shared sense of how these may fit with, or complement, one another. As a result there is no way for current and potential PLE providers to link their efforts, examine their rationales, or ensure that they are targeting their projects effectively.
65. Patchy and uneven development contributes to the difficulty that PLE has in measuring how well it has effected change in the lives of citizens. The gains that PLE initiatives seek to achieve are often both subtle and difficult to measure. Achieving sustained change requires a fairly broad overview of progress in PLE when decisions about specific initiatives are taken. In the absence of any such sustained development of PLE it has so far been impossible to consider how to achieve and how to measure sustainable change.

Good practice has been unable to develop

66. PLE providers have not been able to develop good practice and use it to raise the overall quality of PLE initiatives across the board. The main reason for this is that there has been so little of the systematic evaluation of PLE initiatives essential to the identification of good practice. Evaluations of PLE are found only in some better-resourced initiatives²⁰ but are rarely known about or drawn on by other practitioners.
67. PLE projects seek to influence knowledge, attitudes and behaviour. These are complex outcomes which require the collection of data to assess changes in attitudes, abilities, confidence and actions over time. Such evaluation is costly and difficult, and it is therefore not surprising that very little has been done.

- 68.** PLE providers do collect data about the involvement of users – for example on user numbers and types of involvement. The most common evaluation techniques are feedback questionnaires following PLE sessions and simple head counts – *StreetLaw* projects use these routinely. In the case of PLE websites, visits and downloads are measured, and site users are sometimes invited to rate pages and offer feedback.
- 69.** Despite the evident progress made in individual initiatives, it is still hard to demonstrate the overall impact of PLE in the absence of solid evaluation or the quality measures that could flow from evaluation over time. As a result the Task Force sees real waste of initiative, personal effort and financial resources. And without the knowledge gained through evaluation, it has so far not been possible to develop quality frameworks or guides to good practice – tools that would help to improve matters very quickly.
- 70.** Improved evaluation is also needed to show the longer-term impact of PLE. The effects of PLE initiatives must be demonstrably sustainable over time. Citizens involved in PLE should draw wide benefits beyond being enabled to deal with a particular situation at one time. Without better evaluation, it is not possible to measure and improve PLE's long-term impacts on knowledge, skills, confidence and behaviour.
- 71.** Evaluation of PLE has a better track record in other jurisdictions. In Canada, a study of PLE commissioned by the Canadian Department of Justice described some 20 evaluation reports and around 25 government reports and academic articles²¹.

5

A strategy for PLE



- 72.** PLE enables citizens to use the law effectively to their benefit, and to recognise and challenge failures and wrong decisions. PLE has a pivotal role to play in the empowerment and enabling strategies of government. PLE gives the not-for-profit sector the practical routes it needs to make user empowerment a reality. PLE supports the growth of law school and law firm commitment to the legal needs of groups in many communities.
- 73.** But for PLE to achieve its full potential, a step change is needed – a strategy for PLE development capable of addressing the key obstacles facing PLE today.

Strategic tasks

- 74. Create a coherent focus and identity:** develop inclusive partnerships of PLE stakeholders and a strong, high-profile communications policy that position PLE as a concept and body of work in the public domain and among providers, and advertise its value locally and nationally.
- 75. Overcome the fragmented nature of PLE provision:** create a practitioner learning network and develop an online knowledge bank for use by all stakeholders, including funders and local deliverers.
- 76. Develop and spread good practice:** develop evaluation and quality frameworks through a programme of commissioned PLE pilot projects and by spread understanding of good practice through the newly-established partnerships, learning networks and resource banks.

- 77. Secure sustainable funding:** gain government funding for the development and delivery of the PLE strategy for an initial five-year period and seek funding from other sources including the Big Lottery Fund, charitable trusts and the private sector.

Principles

- 78.** There are three principles through which the strategy must be implemented:
- participation of stakeholders
 - independence of operation
 - a clear focus on developing legally-enabled citizens.

Stakeholder participation

- 79.** To be effective, the PLE strategy needs the widespread participation of its diverse range of providers. This will ensure that the resources, skills and experiences of PLE providers can be harnessed in pursuit of common goals.
- 80.** This will also give the strategy the legitimacy needed to attract the support of those who can help deliver it. This includes academics, the media and information specialists who will help implement the strategy, as well as grassroots practitioners – advisers, lawyers, teachers, youth and community workers and many others who, through their daily contact with the public, are most aware of the nature of the need for PLE, especially in disadvantaged communities.

Independent operation

81. PLE has no clear and self-evident ‘home’ in any one sector, and to encourage the widest possible appeal to stakeholders, responsibility for the PLE strategy needs to be taken by a new and independent body outside of any one sector.

Clear focus on developing legally-enabled citizens

82. The strategy must have a clear focus on developing legally-enabled citizens. All the projects and initiatives carried out in support of the strategy must have the development of legally enabled citizens as their sole or primary goal.

What we have learned from others

83. The problems facing PLE are not unique. Indeed, in the related fields of health improvement, consumer education, and the reduction of indebtedness, the resolution of similar difficulties has attracted a good deal of attention in the last few years.

The NHS Direct Business Plan states ‘Increasing expectations of the public for accessible and responsive health care provides a challenge for the whole of the NHS. NHS Direct is uniquely placed in the NHS to empower patients to make informed choices about their health and health care ... By further empowering them with information and advice we believe we can support the wider NHS further by reducing unnecessary referrals and empowering patients towards self-care’.

NHS Direct Business Plan 2005–2006.
<http://www.nhsdirect.nhs.uk/GetImage.asp?intImageID=124>

In *Building Financial Capability in the UK*, the **Financial Services Authority (FSA)** sets out a vision of ‘better informed, educated and more confident citizens, able to take greater responsibility for their financial affairs’. In January 2007 a Ministerial Group on Financial Capability was established by the Economic Secretary to the Treasury, Ed Balls MP, ‘to develop, oversee, and coordinate the government’s work on financial capability’.

Building Financial Capability in the UK, FSA 2004.

http://www.fsa.gov.uk/pubs/other/financial_capability_uk.pdf

FSA Newsletter, April 2007.

http://www.fsa.gov.uk/financial_capability/pdf/newsletter8.pdf

The Office of Fair Trading describes consumer education as a ‘potent tool for empowering consumers’, helping them to be ‘knowledgeable, confident, assertive and self-reliant.’

A strategy and framework for consumer education: a consultation paper, OFT 735 July 2004.

http://www.offt.gov.uk/shared_offt/consumer_education/offt735.pdf

84. The Financial Services Authority (in the strategic document *Financial capability in the UK: delivering change*²²) and the Department of Health (in the White Paper *Choosing health – making healthy choices easier*²³) are both seeking to increase understanding and awareness in order to enable people to manage their health and finances to better effect – a move away from dependency towards capability.
85. Both organisations recognise the need to engage stakeholders from the public, private and voluntary sectors, with a common understanding that more would be achieved by working together, towards a clear strategic aim, using a collaborative approach that also enabled many different organisations to take part: local government, the business community and the third sector.

86. The similarities are obvious. PLE has a large and diverse target audience, a range of providers and a wide variety of stakeholder interests. A PLE strategy will bring together providers and create new dynamic possibilities for PLE development, giving PLE the potential to make savings in both individual and social terms on a substantial scale.

A new independent PLE agency

87. The diversity within PLE and the need to secure stakeholder support and an independent lead point towards the creation of a new agency as the best way forward. We recommend that a new and independent PLE Centre be formed as a high-level strategic body, to focus solely on the implementation of the PLE strategy. This is the best guarantee of success.

Alternatives considered by the Task Force

88. The Task Force did consider placing responsibility for developing and implementing the strategy within an existing agency or network, but rejected this for a number of reasons.

89. Specifically, we feel that no existing organisation has the breadth of remit to take on the strategy. Government departments that have a stake in the strategy include the Ministry of Justice, the Department of Communities and Local Government, the Department for Education and Skills, the Cabinet Office, the Home Office and the Department of Trade and Industry. But PLE is too broad to sit comfortably within any of these departments. Similarly, it is too broad to be managed by the Legal Services Commission, HM Courts Service, the Law Commission, the Civil Justice Council or the Tribunals Service.

90. Similar observations apply to the existing legal and advice networks. Citizens Advice, AdviceUK, the Law Society, the Bar Council, and the Institute of Legal Executives all have

remit that, in our view, are narrower than would be helpful for overseeing and driving PLE. The same goes for the law schools and the *pro bono* advice networks. In the not-for-profit advice sector, the broader scope of the Advice Services Alliance (ASA), which represents all the major advice networks, does give it something of the breadth of remit that we had in mind.

91. In the education sector we have been impressed by the collaborative approach of the National Institute of Adult Continuing Education (NIACE) and its commitment to networks, research, piloting and evaluation, but its remit in adult education would similarly inhibit its role as a PLE Centre.

92. The possibility of attaching responsibility for PLE to an existing academic institution has successful precedents, for example the Constitution Unit within University College London. But in our view an academic body, while certainly a good base for high-quality research, would be less well suited to acting as the Centre for a new national PLE movement or to acting as a facilitator for the wide range of organisations that provide PLE.

93. On a more general note, we believe that placing responsibility for the strategy with an existing body or in a particular sector would almost certainly inhibit the widest possible participation of all stakeholders.

Creation of a non-departmental public body

94. The Centre will need strong leadership as well as political and practitioner support. It will also require core funding from government to sustain the development and delivery of the PLE strategy over an initial five-year period. To secure such political and financial support will in our view require that the PLE Centre be established as a new non-departmental public body (NDPB) with statutory powers. We have in mind the precedents of independent legal service NDPBs such as the Civil Justice Council, the Law Commission and the Judicial Studies Board.

- 95.** A new NDPB is the best option because it will:
- enjoy secure government funding and therefore be able to develop and implement a long-term strategy
 - be assured of high-level access to stakeholders, including ministers, and therefore be able to influence policy and secure the required levels of support and participation
 - be a signal of government belief in PLE as a feature of its commitment to social justice and community cohesion.

Non-departmental public bodies: possible models

There are several possible NDPB arrangements, and in this report we do not assess which is best suited to delivery of the PLE strategy.

Within the legal services sector, the Law Commission is an Executive Agency, whereas the Civil Justice Council is an Advisory Body. Each has a statutory remit, and both are independent of government but funded by it. The Judicial Studies Board, established through a Memorandum of Understanding, offers a third model.

Outside of legal services, there are hybrid models that combine an Advisory NDPB with an Executive not-for-profit company or charitable organisation – for example the former Learning and Skills Development Agency has mutated into two organisations: the Quality Improvement Agency for Lifelong Learning (an advisory NDPB) and the Learning and Skills Network (a not-for-profit organisation offering services to policymakers, practitioners and organisations who fund, manage and provide education).

- 96.** We recognise that a statutory remit will require legislation. There is current legislation, part of which is relevant to PLE, in the shape of the Legal Services Bill 2006. This gives the legal profession the regulatory objective of ‘increasing public

understanding of the citizen’s legal rights and duties’²⁴. However, PLE provision extends well beyond the activities of the legal profession and so we would expect that new legislation is likely to be needed.

- 97.** The creation of a PLE Centre with a statutory remit will take time. But delaying the work of developing PLE until a statutory remit is in place would cause unacceptable delays in the implementation of the urgently needed PLE strategy. An excellent solution to this difficulty lies in the immediate establishment of a not-for-profit company to take PLE forward in the first 12 to 24 months. We believe such an arrangement should be an interim measure until legislation can be brought forward to create a NDPB.
- 98.** There are two potential weaknesses in this form of organisation: lack of funding and lack of influence. To be effective, any new not-for-profit company will require a core funding commitment from government, and a corporate structure that includes the principal players drawn from all the stakeholders, especially government.

Funding

- 99.** Core funding for the Centre is needed to cover salaries, premises and development costs, together with the resources needed to meet the objectives of the strategy. The Task Force sees the Centre as a compact pro-active agency focused strongly on implementing the strategy from its inception, and although solid core funding is essential, we do not see this as substantial in the context of general spending on legal services.
- 100.** With an initial core staff numbering perhaps five or six, and a solid project development budget from year one, we would expect funding of perhaps £1.5 million in the first year, growing as the strategy took off. However, a key requirement of the discussions leading up to creation of the Centre will be the development of a business plan which will include a detailed budget.

- 101.** We recommend that the Centre be funded by a group of interested Departments led by the Ministry of Justice. Cross-departmental collaboration will be an important condition for cross-departmental funding; the role of the Department of Trade and Industry in funding Citizens Advice provides a useful model.

Governance

- 102.** The Centre will need to be managed by a small Executive Board whose first task will be the engagement of a Chief Executive who would go on to recruit other senior staff with responsibilities for the Centre's key functions. The physical location of the Centre and the staff team is important, as it will send a clear message to all stakeholders. There is an obvious case for London, where a number of the key players already work, and where the relevant government departments are based, but there are examples of other similar organisations that are successfully located elsewhere.
- 103.** The Centre's effectiveness will be greatly enhanced by strong political and practitioner engagement through a larger Advisory Board, ideally with the participation of a designated Minister and leaders from the legal and advice professions and the relevant strands of the education profession.
- 104.** In Wales citizens are supported in matters of health, education, housing etc., by the Welsh Assembly Government. Other matters, such as tax, welfare benefits and legal aid remain the responsibility of the UK Government, so providing holistic citizen-centred support can be an extra challenge – but one which both Governments are committed to deliver. In the light of this factor, the Task Force believes that governance of the PLE Centre should include an option for the Welsh Assembly Government to nominate a specific Executive Board member, and to be consulted on the PLE Centre's strategy in Wales.

Year one activities

Create a PLE identity and brand

- 105.** The strategy will require work to make clear to the public as well as policymakers and potential PLE providers exactly what PLE is and why it is so valuable to the day-to-day lives of all of us. This will help tackle the narrow and often negative understanding of legal issues.
- 106.** One of the best routes to achieving this will be through the creation of a recognisable brand for PLE. This will need to be applicable across traditional and new media. It will also need to extend beyond media to social marketing and other techniques. The creation of a PLE brand will give partners' work greater resonance and impact with the public.

Build partnerships

- 107.** An important part of the Centre's remit will be to identify and make use of the expertise and commitment to PLE that already exists but has not yet been harnessed strategically. It must build on what is already being done within the legal, education, and community regeneration and community development professions. It will do this by establishing partnerships with as wide a range of bodies as possible.
- 108.** Such bodies would include: the legal profession; the advice sector; key government departments and agencies; the formal justice system (courts, magistrates, tribunals, police, probation and prison services etc); local and regional authorities and partnerships; local neighbourhood renewal and regeneration agencies; community and neighbourhood groups; law-related educational establishments, both at undergraduate and post-graduate level; general educational establishments, including training and research-based institutions; schools, colleges and universities; a variety of third sector organisations beyond the advice sector; private sector bodies such as insurers, and employer and employee organisations.

Create a practitioner network

109. The Centre will work with the PLE partners to create a network of PLE providers and a bank of PLE resources that enables policymakers, practitioners and funders to share and benefit from the accumulating experiences of PLE development. Internet-based resources will provide easy access to the shared knowledge of the network. The practitioner network will take the lead in arranging training, debates and seminars to promote and improve PLE in practice.

Develop good practice

110. The Centre will promote good practice through the practitioner network and online resources. Also, pilot projects to assess different forms of PLE (see below) will contribute to knowledge of good practice, which will then be shared with the network.

Commission pilot PLE projects

111. Putting PLE on the map requires some early gains, and to do this the Centre will start work immediately with key partners to identify and commission the first pilot projects. We would expect first projects to show how PLE can meet the objectives of its stakeholders. Without prejudice to future discussions, we suggest that these projects could examine how PLE:

- enhances and improves one-to-one advice
- increases the likelihood of problems being resolved before tribunals or court proceedings
- improves the lives of individuals and groups in disadvantaged communities.

Undertake research

112. To inform its work, the Centre will carry out research to identify areas of PLE need, analyse current provision, and assess the effectiveness of different approaches through a series of pilot projects (see above). This research would also provide a

new and beneficial link to the Legal Services Research Centre (LSRC) research programme, building on its existing collaboration with the PLEAS Task Force.

113. To supplement its own research programme, the Centre will ensure that it informs itself about all relevant ongoing research into civil, criminal, family and administrative justice.

Establish an NDPB

114. Working with the Ministry of Justice, the PLE Centre will undertake an assessment of the best way to secure a statutory remit and establish an NDPB, and take resulting proposals forward. We would expect the Ministry of Justice to work alongside the PLE Centre in developing the necessary statutory remit to promote PLE, and in building this in to an appropriate Bill at the earliest opportunity.

Year two and three activities

115. During years two and three, the Centre should seek to develop quality tools, explore potential income-generation routes and work with the practitioner network to develop programmes of training and support for providers.

6

Conclusions and recommendations



Conclusions

- Public Legal Education (PLE) is a powerful tool that enables all citizens to make the best use possible of the legal system both in dealing with daily problems and with the choices and opportunities that occur routinely in daily life
- PLE enhances the quality of life, and contributes to the social justice and social exclusion agendas of government. PLE supports the desire of the advice and legal professions to empower service users and communities
- PLE is delivered by a wide range of agencies for a wide range of users, through a wide range of methods. This diversity is a core characteristic of PLE provision, and one of its key strengths for future development
- There are, however, currently very few coherent PLE programmes. In comparison with other key components of the legal system, PLE is dramatically underdeveloped, and has not reached its potential
- Five key obstacles stand in the way of effective PLE:
 - PLE lacks a coherent identity
 - PLE provision takes place in isolation, and practitioners cannot learn from each other
 - PLE funding is short-term and far too limited
 - PLE ‘coverage’ is patchy and uneven across goals, issues and users
 - Development of good practice in PLE is hampered by the lack of evaluation and quality tools.

Recommendations

- Overcoming the five obstacles requires an approach that is more than a piecemeal growth of PLE initiatives. PLE development requires a coherent strategy
- The Task Force recommends that a new independent agency be established to fill out and implement a PLE development strategy
- A new PLE Centre should be created as an NDPB with statutory powers. Given the lead time in setting up such a body, the Task Force recommends the immediate establishment of a not-for-profit company to take PLE forward
- The PLE Centre will be founded on and governed by a partnership of all of the key PLE stakeholders
- The PLE Centre should be funded for five years by central government, with first year funding in the region of £1.5 million. Core funds will include establishment costs for around six core staff, plus the funding necessary to commission pilot projects
- In the discussions leading up to the creation of the Centre, a detailed business plan, including a budget, should be drawn up
- In its first year the Centre will undertake seven key tasks:
 - promote a coherent identity for PLE
 - establish partnerships
 - create a practitioner and resources network, including online
 - develop good practice in PLE
 - commission early pilot projects
 - undertake research
 - work to establish a statutory remit for the PLE Centre.

APPENDIX:

Task Force Members



Sir Keith Ajegbo (to March 2006)
Headteacher
Deptford Green School

Nony Ardill
Legal Policy Adviser
Age Concern England

Sir Henry Brooke
Former Vice-President
Civil Division of the Court of Appeal

Steve Brooker
Senior Policy Advocate
National Consumer Council

Lindsay Brydson (from March 2006)
Regional Manager
The Law Society

Paul Burton
Head of Consumer Education Strategy
Office of Fair Trading

Vicky Chapman (to March 2006)
Head of Law Reform and Legal Policy
The Law Society

Julie Davis (to July 2006)
Employment Relations Directorate
Department of Trade and Industry

Lynn Evans
Policy Manager
Law Centres Federation

Amanda Finlay CBE (from May 2006)
Director for Legal Aid Strategy
Ministry of Justice
(as participating observer)

Jane Frost (to May 2006)
Director of Consumer Strategy
Department for Constitutional Affairs
(now the Ministry of Justice, as participating observer)

Professor Dame Hazel Genn DBE QC
TASK FORCE CHAIR
Professor of Socio-Legal Studies
Faculty of Laws
University College London

Andrew George
The Bar Council

Katie Ghose
Director
British Institute of Human Rights

Robert Gill
Chief Executive
LawWorks

Richard Grimes
Independent Education Consultant

Alison Hannah
Director
Legal Action Group

Graham Hasting-Evans
(to September 2006)
The Office of the Children's Commissioner

Mark Hitchen (to July 2006)
Senior Policy Adviser
Department of Communities and Local Government
(as participating observer)

Tom Jones
Welsh Assembly Government
Nominee

Martin Jones
Advicenow Project Director
Advice Services Alliance

James Kenrick
Advice Services Development Manager
Youth Access

Dan Mace
TASK FORCE VICE CHAIR
Trustee
The Citizenship Foundation

Robert Musgrove
Chief Executive
The Civil Justice Council

Jan Newton
Citizenship Consultant
Department for Education and Skills
(as participating observer)

Nick O'Brien
Director, Legal & Operations
Disability Rights Commission

Professor Martin Partington CBE
Special Consultant to the Law Commission
Former Member Civil Justice Council

Crispin Passmore
Director, Community Legal Service
Legal Services Commission

Chilli Reid
Head of Development and Regions
AdviceUK

Anthony Robinson
Legal Director
Commission for Racial Equality

Mark Sayers (from July 2006)
Employment Relations Strategy Team
Department of Trade and Industry
(as participating observer)

Judy Walker
Director of Advice
Citizens Advice

Merryn Wells
Transfer of Expertise Manager
Equal Opportunities Commission

TASK FORCE MANAGER
John Sargeant

Endnotes



- 1 *Paths to Justice: What People Do and Think About Going to Law*. Hazel Genn 1999. Oxford: Hart, and *Causes of Action: Civil Law and Social Justice, Second Edition, LSRC Research Paper No. 14*, Pascoe Pleasence et al, 2006. Norwich: The Stationery Office.
- 2 *Paths to Justice*.
- 3 *Causes of Action*.
- 4 *A trouble shared: legal problems clusters in solicitors' and advice agencies*. Richard Moorhead and Margaret Robinson, Cardiff Law School, Cardiff University and Matrix Research and Consultancy. DCA Research Series 8/06 November 2006. http://www.dca.gov.uk/research/2006/08_2006.pdf
- 5 *Causes of Action*.
- 6 *Success at Work. Protecting vulnerable workers, supporting good employers*. DTI March 2006. <http://www.dti.gov.uk/files/file27469.pdf>
- 7 www.everychildmatters.gov.uk
- 8 *Service transformation: A better service for citizens and businesses, a better deal for the taxpayer*. Sir David Varney Dec 2006. http://www.hm-treasury.gov.uk/media/53D/F2/pbr06_varney_review.pdf
- 9 *Better Dispute Resolution. A review of employment dispute resolution in Great Britain*. Michael Gibbons. Department of Trade and Industry, March 2007. <http://www.dti.gov.uk/files/file38516.pdf>
- 10 <http://www.abcul.org/page/index.cfm>
- 11 *Financial Skills for Life. Building Confidence through Citizens Advice Bureaux*. July 2006. http://www.citizensadvice.org.uk/fsfl_report_june_06.pdf
- 12 *LawWorks Students Project. Pro bono – the next generation*, LawWorks, Grimes and Musgrove, September 2006, 27 pp <http://probonouk.net/upload/lwreport.pdf>
- 13 <http://www.advicenow.org.uk/go/livingtogether/index.html>
- 14 Projects funded by the second LSC Partnership Innovation Budgets programme in 2003.
- 15 <http://www.neighbourhood.gov.uk/page.asp?id=611>
- 16 <http://www.beacons.idea.gov.uk/idk/core/page.do?pagelid=1>
- 17 <http://www.citizenshipfoundation.org.uk>
- 18 <http://www.galleriesofjustice.org.uk>
- 19 <http://www.publiclawproject.org.uk/downloads/PressRel-EVS.pdf>
- 20 For example Advicenow's Living Together guides; HM Revenue and Customs self-assessment campaign; and National Debtline's debt advice helpline and complementary debt self-help pack.
- 21 For an overview of PLE evaluations in Canada see *Evaluation of Public Legal Education and Information*, Lindsay Cader, Research and Statistics Division, Department of Justice, Canada, November 2002 <http://canada.justice.gc.ca/en/ps/rs/rep/2002/rr2002-2.pdf>
- 22 *Financial capability in the UK: delivering change*, FSA, March 2006. http://www.fsa.gov.uk/pubs/other/fincap_delivering.pdf
- 23 *Choosing health: making healthy choices easier*, Department of Health, Cm 6374 November 2004. http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4094550
- 24 *Legal Services Bill 2006, Clause 1 (1)(f)*. This objective is to be promoted by the proposed overarching regulator of the legal profession, the Legal Services Board (LSB), and the 'approved regulators' (front line practitioner bodies), which the LSB will itself regulate. <http://www.dca.gov.uk/legist/legalservices.htm>

**A PDF copy of this report can be
downloaded from the PLEAS website at:**
<http://www.pleas.org.uk/news.html>

Email: info@pleas.org.uk
Website: www.pleas.org.uk