

ANNEX 6

Public legal education

Introduction

An integral part of our strategy is the recognition that public legal education (PLE) is as important in achieving equal justice as public health education is in tackling the nation's health. Overburdened A&E departments, and courts overwhelmed by unadvised, unrepresented litigants, are parallel demonstrations of failure to provide sufficient services in the community. The NHS is tackling the rising cost and burden on acute services through investment in promoting better health and tackling problems early and at the cheaper, primary, level in the community. We need to do the same for justice.

The justice system has always embraced PLE in principle, but the provision of publicly funded legal help meant that there was no imperative to make PLE an integral part of delivery. It was a 'nice to have' rather than a necessity. In addition, the allocation of publicly funded legal help militated against the 'one to many' approach that many advice agencies recognised would have made more strategic use of their resources. With cuts in legal aid and in local authority funding, now is the time to use PLE to reach into schools and communities and to build legal capability that will help individuals themselves and those that they come in contact with.

There is an additional problem with the law in that many people's main reaction to it is fear, on top of lack of understanding. This is most true for the most vulnerable, as Dame Professor Hazel Genn's research team on tribunal users discovered.¹

The research that Law for Life did recently with community groups confirmed this.² People had no understanding that the law could help them; they felt only that law would harm them. So the first task in the six-week course that they attended was to help them understand the relevance, the usefulness and the value of the rule of law.

Role of PLE

The specific role that PLE can play is in equipping people with the knowledge, skills and confidence to enable them to:

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- 1 Professor Hazel Genn, Ben Lever, Lauren Gray, *Tribunals for diverse users*, DCA Research Series 1/06, January 2006, available at: www.ucl.ac.uk/laws/judicial-institute/docs/Tribunals_for_diverse_users.pdf.
 - 2 *Legal capability for everyday life: Evaluation report*, Law for Life, January 2013, available at: <http://www.lawforlife.org.uk/wp-content/uploads/Law-for-Everyday-Life-Evaluation-report.pdf>.

- recognise that they have a problem which may have a law-related solution;
- know when and where to find out more and to get help;
- communicate effectively and confidently; and
- be an active citizen.

In an ideal future advice system, all young people would have this capability by the time they left school and it would be a prime focus for those working with young people not in education, employment or training (NEETs). Citizens more generally would possess these core capabilities. This would also mean that more people should be able to resolve problems at an earlier stage and with less intensive input from advice providers. This would free up advice providers to concentrate scarce resources on those with the most complex problems and the least capability – who would also have had their problems picked up earlier.

To achieve this requires a many-pronged strategy which recognises that is neither possible nor realistic to equip everyone with knowledge about all possible law-related problems. Indeed, no lawyer knows all the law, but lawyers do know the core principles and they know how to find out any particular new legal issue. Building on this approach it is possible to:

- build capability more generally;
- target relevant knowledge at people at the right time as they experience a problem; and
- build capability for the future into the problem-resolution process, providing people with skills and confidence that will stand them in good stead the next time they encounter a problem.

As with our strategy more generally, we think that it is important to deliver PLE in the places and with the people that citizens most relate to. For example:

- for young people, in schools as part of the national curriculum;
- for young people in the NEET category, in the places where they already go for support;
- in local communities, for example in clubs for mothers and children and other community settings;
- in faith communities;
- through services specifically developed to help those with particular problems;
- through trusted intermediaries.

Schools

The Citizen Foundation, the National Centre for Citizenship and the Law, the College of Law, BPP and others all do good work on teaching about law in schools, but this tends to focus on the criminal law and being a law-abiding citizen. Most young people have no understanding that the civil law even exists, let alone that it has any relevance to them. When the Public Legal Education

Network commissioned Independent Academic Research Studies (IARS)³ to carry out an exploratory study on young people's understanding of the law, they discovered that young people did not know that they had any rights in relation to the most ordinary problems of everyday life – for example, a broken mobile phone, or their phone contract, let alone more challenging issues.

The national curriculum no longer includes rights and entitlements in its citizenship section, but it does now include detailed requirements on financial literacy. This is probably in response both to government concerns about rising indebtedness, but also concerted efforts by many in the financial field to get this onto the agenda. We welcome the interest that the Attorney-General's Pro Bono Co-ordinating Committee has shown in this topic and we urge the legal professional bodies to engage even more with the Ministry of Justice (MoJ) and the Department for Education to get this onto the curriculum.

Training in communities

Recent funding from the Baring Foundation enabled Law for Life⁴ to test out the concept of training people in their communities in a variety of settings. The Law Commission heard oral evidence from Community Links and one of the individuals trained by this programme about the way it had enabled her to help others by knowing where to turn and, importantly, by explaining that problems did not have to be endured but could be tackled and resolved. These projects involved working in community settings with adults who had experienced or were experiencing civil law problems and wanted to know how to deal with landlords or employers. The learning from these projects will be used to develop Advicenow's web-based information – exemplifying the virtuous circle of continuously improving web-based materials from engagement with those who are actually experiencing the problems.

Funding from the MoJ enabled this model to be developed further to support organisations with volunteers and especially volunteers working for the Personal Support Unit (PSU) both in London and in the main county courts outside London⁵ in a way that enhanced their knowledge, skills and confidence. Law for Life trained 58 PSU staff and volunteers, and 38 organisations sent staff on the PLE training sessions. Again, learning from the PSU volunteers experience could, with funding, be fed back into the development of further web-based materials.

Evidence from Citizens UK Legal Service reported a similar strategy which involved training community leaders in refugee communities to enable them to become problem-noticers and signposters.

3 *Measuring young people's legal capability*, July 2009, available at: www.lawforlife.org.uk/research-and-theory/measuring-young-peoples-legal-capability/.

4 *Legal capability for everyday life: Evaluation report*, Law for Life, January 2013.

5 See: <http://thepsu.org/>.

Resource materials

The recent merger of Law for Life and Advicenow⁶ will integrate PLE even more effectively than before with Advicenow's established and respected website which already produces materials that aim to provide knowledge, skills and confidence, both through links to quality assured specialist material which meets its criteria, and through the development of targeted material to fill gaps in provision. In particular, this merger will enable learning from work with community groups to be fed back into the web based material and we would hope the future provision of distance learning materials will enable the community sessions to reach a far wider audience. We have referred in our report to the work already done by judges, lawyers and law students and in school settings (see para 5.10). PLE could further enhance these sessions if there were resources, similar to those provided by the Citizenship Foundation for their Bar National Mock Trial Competition.⁷

Until recently there has been little emphasis on the quality of law-related resources for the public, or guidance on how to produce effective and user-friendly public legal education materials. Advicenow's Better Information project⁸ aims to stimulate debate on these issues and offer best practice guidance to agencies that have legal knowledge or an understanding of the issues their users face, but not necessarily the communication and information skills necessary to produce high quality materials that empower readers. The Better Information project publishes a free online handbook and offers tailored support to organisations' training, consultancy and partnership working.

Recent funding to the Royal Courts of Justice CAB enabled it to work in partnership with Advicenow to develop five detailed but highly accessible web-enabled leaflets based on Better Information principles. The guides, for those considering going to court, provide a step-by-step guide to the journey which is procedurally correct and full of practical tips, along with good emotional advice and preparation.⁹ In addition, the site contains the excellent, generic 'Seven steps to solving any problem'¹⁰ which is a useful compendium for anybody struggling with a difficult provider of goods and services – or indeed any problem.

For many years the MoJ and subsequently the Legal Services Commission (LSC), recognised the importance of the Advicenow website and the role it played in equipping people to recognise and resolve problems, and, if they had to come to court, have a better chance of knowing what to do. In the last few

6 In 2013; see: www.lawforlife.org.uk/about/.

7 See: www.citizenshipfoundation.org.uk/main/comps.php?175.

8 See: www.advicenow.org.uk/better-information.

9 'Going to court' guides, available at: www.advicenow.org.uk/going-to-court/.

10 See: www.advicenow.org.uk/how-to/seven-steps-to-solving-a-problem/.

years funding has been on a one-off basis only, perhaps because some of these issues are seen as non legal aid issues, perhaps because of the focus on the government website GOV.UK. The government site depends for its success, however, on links through to more detailed and specialist sites. In addition, many of our consultees have emphasised the importance to them and to those whom they serve of having an independent and trusted site.

Whatever the reason, the result is a massive gap in what is one of the most important elements of any possible delivery model for advice and support in social welfare law. Further development should exploit video-based clips, as suggested by the recent Judicial Working Group on Litigants in Person,¹¹ and mobile phone apps and other electronic innovations. It is important to recognise that these complement existing easy-to-print materials, such as step-by-step guides and checklists. It is even more important to recognise that it costs money to produce even a short video clip. A quick comparison of amateur and more professional clips on YouTube will illustrate the point, although we appreciate the role that social media and self-produced clips can also play.

In this context we have been impressed by Apps for Good, which works with schools in a rapidly expanding national programme to support young people in developing apps that help them with the issues they encounter in daily life – most notably ‘stop and search’ in a south London school.¹² This is an example of a small idea which has achieved huge success with support from a large commercial organisation. Designed to make digital learning fun and relevant, it builds knowledge, skills and confidence. We need to find something similar for PLE.

11 See: www.judiciary.gov.uk/publications-and-reports/reports/civil/judicial-working-group-lip-report.

12 See: www.appsforgood.org/public/what-is-apps-for-good.