

Developing capable citizens: the role of Public Legal Education



Summary

Background

The Public Legal Education and Support (PLEAS) Task Force was established by the Department for Constitutional Affairs (DCA, now the Ministry of Justice [MoJ]), in January 2006. Chaired by Professor Dame Hazel Genn DBE QC, PLEAS is an independent body supported by MoJ, set up to make recommendations on how to improve the scope and effectiveness of public legal education (PLE). Task Force members were drawn from government, legal and advice services, and the education and independent sectors.

The PLEAS Task Force published its report *Developing Capable Citizens: the role of Public Legal Education* in July 2007. The full report is available for download on the PLEAS website at www.pleas.org.uk. What follows is a summary of the report.

The legal system, legal problems and their consequences

The complexity of daily life requires an effective legal system and a population capable of making good use of that system. Capable citizens need to understand how the law affects them and be sufficiently knowledgeable, skilled and confident to take up issues, deal with problems, and make best use of the opportunities and the protections offered by the legal system.

The problems of daily life – homelessness, relationship breakdown, debt, discrimination – are not new. But the Task Force believes that the frequency, complexity and ‘knock-on’ effects of these problems are now of a scale to cause concern.

Around 1 million civil justice problems go unresolved every year. One third of the population reports a civil justice problem, but many take no action to resolve it. Worse still, many believe, wrongly, that there is nothing they can do and that there is no local legal advice provider who might help.

There is a cascade effect in which the emergence of a problem in one area leads to related problems appearing in other areas of life. One sixth of people with a legal problem 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.

These burdens fall more heavily on the socially excluded, who are less likely than the average citizen to take any

action or seek help to resolve their problems. Health, disability, age, income and level of economic activity can all be linked to the incidence of law-related problems

The cost to the nation of this unnecessary helplessness is staggering. MoJ’s economists estimated that over a three to four year period the cost to individuals and the public purse of these unresolved problems was £13 billion.

Public legal education and the legally enabled citizen

PLE provides people with awareness, knowledge and understanding of rights and legal issues, together with the confidence and skills needed 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, make better decisions and anticipate and avoid problems. Capable citizens are better equipped to take the sort of preventive action that avoids escalation and crises. Earlier settlement of disputes, especially before formal stages are reached, is less consuming of resources overall.

PLE can also show how the law treats people fairly – and when it does not. Perceptions of fairness and equality help build community cohesion and mutual trust between groups, and reduce social exclusion.

PLE supports the access to justice goals of government, of the legal and education professions, and of the not-for-profit advice sector. PLE helps meet MoJ goals as well as those of Department of Communities and Local Government to reduce social exclusion and increase community capacity to make decisions. PLE benefits the Department of Trade and Industry commitment to work with vulnerable employees, and the focus of the Social Exclusion Task Force on rights, responsibilities and empowerment. PLE will be crucial in the new CEHR’s drive for equality and human rights.

PLE in practice

There are many types of PLE, aimed at different users, and with a wide range of specific goals, but what the best initiatives have in common is a clear commitment to develop legal capability.

Most initiatives are small-scale and local, although there are a number of larger themes in PLE: financial capability training; citizenship teaching in schools; and initiatives for the reduction of crime and social problems aimed at schools.

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.

Good PLE initiatives are clear and precise about what they are aiming to achieve, tailoring goals to the circumstances, capacities and needs of specific users. PLE goals may 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 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.

PLE has a global profile, and is well established in Canada, Australia and the United States, spreading in recent years to former Soviet Central Asia, India and China, sub-Saharan Africa, and South and Central America.

Obstacles to growth in PLE

PLE faces real challenges: it currently lacks a coherent identity, and is a still marginal activity for most of its providers. PLE providers act independently with little awareness of what others are doing.

PLE lacks the structures and tools that would facilitate its development. There has been very little evaluation of PLE, and little development of 'good practice' or of quality frameworks. As a result it is difficult to demonstrate the impact of PLE.

Most PLE initiatives are short-term funded – projects come and go and with no mechanism for sharing or linking between them, their knowledge and 'lessons' are easily lost, or perhaps never learned.

The need for growth in PLE

PLE needs to develop and grow dramatically both to overcome these obstacles and to achieve its potential. A strategy for PLE development will include the following tasks:

- Creation of a coherent focus and identity for PLE
- Creation of a practitioner network and an online knowledge bank for use by all stakeholders, including funders and local deliverers

- Development and spread of good practice: evaluation and quality frameworks through PLE pilot projects and research
- Securing sustainable funding
- Working to establish a statutory remit for the development of PLE.

Guiding this strategy are three principles: participation of stakeholders; independence of operation; a clear focus on developing legal capability. Together these principles will ensure that the strategy is implemented as effectively as possible.

An independent PLE Centre

The diversity of PLE providers and audiences and the need to secure stakeholder support points towards the creation of a new agency as the best way forward. The Task Force recommends 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.

Government involvement at the heart of PLE is essential to its success. Experience within government show the value of a statutory power and of a key organising role for government. The optimal solution is the creation of a new statutory agency or centre – an NDPB – with statutory powers. This will take time, and in the interim the Task Force recommends the immediate establishment of a not-for-profit company to take PLE forward in the first year or perhaps two years.

The PLE Centre must be a small 'can-do' body that makes its mark from day one by taking the lead in all the key tasks of the strategy. Branding PLE, getting the message out, creating the essential resource networks, and bringing the key partners together must all begin immediately. Researching with partners the most needed PLE pilots and getting these under way quickly will make PLE more concrete and secure real early gains in outcomes and quality frameworks.

Dynamic leadership of this kind requires stable funding. The Task Force believes that the Centre must be funded for at least its first five years by central government, with first year funding in the region of £1.5 million.

Strategic investment now will reap big dividends in making a success of PLE, producing more capable citizens and increasing access to justice.

*Download the full PLEAS report
from the PLEAS website:*

www.pleas.org.uk

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