

Public Legal Education Network
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Ensuring effective access to appropriate and affordable dispute resolution

Consultation response from the Public Legal Education Network

Public Legal Education Network

The Public Legal Education Network (Plenet) was launched in 2008 with a grant-in-aid from the Ministry of Justice. It currently includes over 400 organisations and individuals in the field of public legal education. Members include statutory bodies, not-for-profit organisations, legal professionals, researchers, educators and campaigners. The Plenet Steering Group includes representatives drawn from Citizens Advice, Age UK, Citizenship Foundation, Law Centres Federation, Legal Services Commission, Civil Mediation Council, Bar Pro Bono Unit, Legal Services Research Centre and Advice Services Alliance.

Plenet campaigns for effective Public Legal Education (PLE) as an integral part of the justice system. It undertakes research and fosters pilot projects to develop the theory and practice of PLE. Plenet develops tools and resources that support the provision of PLE, including evaluation tools, and identifies and promotes good practice. We aim to embed PLE in the work of organisations across the legal, advice, education and community sectors.

Plenet is currently hosted by Advice Services Alliance, the umbrella body for UK advice services.

Consultation response

We welcome the opportunity to comment on the Civil Justice Advisory Group report 'Ensuring effective access to appropriate and affordable dispute resolution'.

We endorse the statements in the consultation document that for many people the experience of civil justice problems can be 'bewildering and frightening', including the findings of the 'Paths to Justice' research which indicated 'a widespread feeling of ignorance about legal rights that existed across most social groups'.

Research commissioned by Plenet from the Legal Services Research Centre also highlights low levels of understanding of legal rights amongst those surveyed. The research report¹ is based on a nationally representative survey of the adult

¹ *'Knowledge, capability and experience of rights problems'* by Nigel J Balmer, Alexy Buck, Ash Patel, Catrina Denvir and Pascoe Pleasence. Research commissioned by Plenet and carried out by the Legal Services Research Centre. March 2010.
<http://www.plenet.org.uk/data/files/pleas-task-force-report-14.pdf>

population of England and Wales reflects the results of interviews with over 10,000 adults in their homes.

65% of respondents said that at the time of their problem they did not know their rights. Nearly 70% said that they had no knowledge of legal processes.

A lack of knowledge is linked to a reduced likelihood of getting advice; a reduced likelihood of meeting objectives when handling a problem alone; higher levels of regret over action taken, and a far greater likelihood of reporting stress-related ill-health.

Other research commissioned by Plenet into the legal capability of young people, reveals a more profound lack of knowledge. The IARS research report² stated that the young people interviewed seemed 'unaware of any system of civil law to which they had recourse'. The young people surveyed also lacked the basic skills needed to deal with law-related issues, particularly communication skills.

We agree that 'the public is largely unable to distinguish between criminal and civil courts' (page 11) but in our view this reflects an underlying lack of awareness of civil law as something that can be used to resolve disputes. A clearer separation between criminal and civil business could help, but there is also a need to increase public understanding of the role of civil law in providing a framework for the resolution of disputes.

Support to facilitate access to justice

5. Does the package of measures/assistance to support citizens to have appropriate access to justice via the courts or other routes, as proposed in the civil courts review report (such as self-help, public legal education, McKenzie Friends and in-court advice services) represent the best way forward?

It is our view that the package of measures outlined in the report represents a sensible way forward to improving access to justice via the courts. However the lack of awareness of civil law reflects a long term failure to equip individuals and communities with the basic capability to deal with the law-related problems, particularly at the very earliest stages of a problem or potential problem. Public legal education is therefore needed in association with all other suggest support mechanism (in order to direct people to the availability of in-court and ADR services)

It is important to note that our research suggests that early intervention and prevention through information and learning involves knowledge, skills and confidence to deal with common problems.

People need to be able to recognise where law can help; they need to know where to find out what rights and obligations apply; the ability to communicate effectively with the other party, to keep calm, be assertive; and to identify when and where to get expert help. PLE interventions therefore need to go significantly beyond simple legal information provision.

² Measuring young people's legal capability - Independent Academic Research Studies (IARS) July 2009. <http://www.plenet.org.uk/research-and-theory/key-reading/measuring-young-peoples-legal-capability>

6. Are there additional/alternative measures to those suggested that would be appropriate?

We endorse a wider view of PLE strategies which include harnessing citizenship and law-related education in schools and pro bono support from the legal profession. A strategy of public legal education to provide legal capability requires partnerships with educators, in schools and adult education, and with other intermediaries and professionals who come into contact with people with law-related problems, and who themselves may lack knowledge of the law and legal processes.

In some cases the infrastructure is in place to provide the mechanism for delivery of this knowledge, through the citizenship curriculum in schools for example, but what is lacking is the partnership needed to make it happen. The experience of other jurisdictions shows what can be done. The OJEN³ project in Ontario Canada successfully brings together schools and community projects, the courts and lawyers and the judiciary to deliver a very successful programme public legal education.

7. Given the likelihood of future funding constraints, are any particular priorities for support required?

Our research points to the need to target and tailor public legal education to specific population groups. Barriers to legal capability are not evenly spread throughout the population or across problem categories. Socio-demographic factors are instructive: younger and older groups, people with disabilities and long term-health conditions, people from BME groups and lone parents fared worse when dealing with law-related issues and would benefit from improved awareness of and signposting to sources of advice.

Self-help support may be better focussed on those groups who otherwise display higher levels of knowledge and skills and would fare well with improved tailored information. Issues suggested for self-help include consumer and employment matters in which higher numbers of people currently handle the problem themselves.

8. How can we ensure that citizens have access to other appropriate routes to justice, for example through self-help remedies or alternative dispute resolution?

We would endorse the recommendations of the civil courts review (page 18) to provide a range of information on how to deal with disputes. There is great potential to do this in an innovative and effective ways using techniques like video to supplement written material. It is also important to reach out to the public through a variety of channels including mass media and popular online services like YouTube.

There is also a need to extend the use of more detailed self-help materials for those who are able to deal with issues themselves. Again the production of this material is best done in partnership, particular with advice services and other community based organisations with practical experience of navigating the justice system. Delivery can include work-shop and informal learning settings such as libraries and community groups to build skills and confidence.

³ Ontario Justice Education Network. <http://www.plenet.org.uk/introduction/ontario-justice-education-network-ojen,10167,FP.html>

10. How should a strategy for such assistance be taken forward?

Our view of information and education strategies is that one-size-fits-all approaches will fail. In order to take forward an efficient and effective strategy of support and access services, there is a need to pilot and test a range of methods with target population groups. At present, our understanding of what works best in public legal education has suffered from a fragmented approach and a lack of robust evaluation⁴. We endorse a collaborative programme of piloting and evaluating to identify scalable and replicable models of delivery.

Our experience is that successful promotion and delivery of PLE requires recognition that it is activity in its own right, requiring its own specific skills and methodology. We therefore suggest that the responsibility for this work be allocated to an organisation or distinct unit tasked with the development of a specific PLE brief. A key part of the work of such a unit is to encourage collaborative working between different stakeholders and broker the partnerships need for successful delivery.

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⁴ 'Developing capable citizens: The role of public legal education' -Public Legal Education and Support Task Force - 2007 <http://www.plenet.org.uk/data/files/pleas-task-force-report-14.pdf>