



Developing a strategic approach to building legal capability in Scotland

**Seminar Report
Edinburgh City Chambers
27 June 2011**

Contents

Introduction	3
Session 1: Developing a concept of legal capability in Scotland	4
<i>Building Legal Capability: The View from the Scottish Government</i>	4
<i>What do we mean by legal capability and how capable are we?</i>	4
<i>Introducing Legal Capability</i>	6
Workshop and feedback session – legal capability domains.....	8
Session 2: Developing a strategic approach to building legal capacity	10
<i>Legal Capability - reaching out across sectors</i>	10
<i>Financial capability in Scotland</i>	11
<i>Lessons from consumer health information</i>	12
Workshop 2 – short-term and medium-term strategic priorities for developing legal capability in Scotland.....	16
Next Steps.....	17
Appendix 1: Seminar Participants	18
Appendix 2: Seminar Programme: Developing a strategic approach to building legal capability in Scotland	20
Appendix 3: The Legally Capability Matrix: Four domains of legal capability	21
Appendix 4: Notes of morning workshop discussions	22
Appendix 5: Notes of afternoon workshop discussions	26
Presentations	28

Report of Legal Capability Seminar

Introduction

In March 2009, Consumer Focus Scotland held a joint seminar with the Scottish Government on public legal education (PLE). This aimed to raise the profile of public legal education and stimulate debate about how a more strategic approach to this issue might be developed in Scotland.

Since this seminar was held, there have been a number of developments which illustrate growing support for improved public legal education in Scotland. The Scottish civil courts review, for example, which published its final report in September 2009, indicated a broad level of support for PLE in Scotland, with over three quarters of its consultation respondents (which exceeded 200 in number) seeing potential benefits of PLE.¹ This led the review to recommend that 'the promotion of PLE should be an element of any strategy to improve access to justice.'² This recommendation has led to the Scottish Government including a workstream on self-help and public legal education within its major change programme 'Making Justice Work' as part of the widening access to justice project.

Yet despite the apparent broad level of support for PLE in Scotland, there has not to date been much discussion or debate around what purpose public legal education serves, or what its desired outcomes are. Consumer Focus Scotland therefore organised a seminar bringing a wide group of stakeholders together to discuss the developing concept of 'legal capability,' recognised in other jurisdictions as being the desired outcome from PLE activity.³

The purpose of the seminar was:

- to increase understanding of 'legal capability' amongst stakeholders,
- to discuss what needs to be done to develop this area in Scotland, focusing on short term (1 to 2 years) and medium term (3 to 5 years) priorities.

This seminar brought together a range of people from different sectors, who might either be able to contribute to building consumers' legal capability, or who could bring relevant expertise and experience from other disciplines. It was chaired by **Yvonne MacDermid, Chief Executive of Money Advice Scotland**. A list of delegates is in Appendix 1. The day was split into two sessions, reflecting the dual purpose of the seminar. Each session involved a number of presentations followed by a workshop and a facilitated feedback session. The seminar programme is in Appendix 2. This report summarises the discussions during the day.

¹ Scottish Civil Courts Review (2009) *Report of the Scottish Civil Courts Review*, Edinburgh: Scottish Civil Courts Review, chapter 11 paragraph 3.

² Scottish Civil Courts Review (2009) *Report of the Scottish Civil Courts Review*, Edinburgh: Scottish Civil Courts Review, recommendation 142

³ PLEAS Task Force (2007) *Developing Capable Citizens: The Role of Public Legal Education. The Report of the PLEAS Task Force*, London: PLEAS Task Force

Session 1: Developing a concept of legal capability in Scotland

Building Legal Capability: The View from the Scottish Government

Colin McKay, (Deputy Director, Legal System Division, Scottish Government)

Colin McKay aimed to put the day's discussions in the context of the Scottish Government's current priorities, particularly its continued focus on outcomes. The current spending restraints meant there would be fewer resources available, but also meant that the Scottish Government was increasingly shifting its attention to preventative spending, and investing in early intervention with the aim of avoiding further, more expensive problems later on. There was a strong argument for building legal capability as part of a preventative spending approach as it would help enable people to resolve problems earlier.

The Scottish Government had established its 'Making Justice Work' change programme in recognition that improvements are required to the current justice system. This programme has the aim of creating a justice system that is cheaper, quicker, more affordable, fair, and increases public confidence. Rather than creating a 'quick fix,' it's about building carefully towards a justice system that in 10-20 years time is substantially different and more efficient.

One of the five main Making Justice Work projects is the Access to Justice project, which has the objective of developing mechanisms which will support or empower users to avoid or resolve disputes and problems wherever possible, and ensuring they have access to appropriate and proportionate advice, and to a full range of methods of dispute resolution. This project includes a workstream on self-help and public legal education, as part of a wider drive to resolve issues earlier and further down the system where possible. Developing activity in this area would draw on the recommendations of the civil courts review⁴ and the Civil Justice Advisory Group.⁵ Given the current financial constraints, it was likely that activity in this area would involve a refocusing of resources rather than new resources being made available. It was likely that technology would play a key role in delivery. Evidence of the benefits of this activity would be vital in its development.

This seminar was important in helping government to obtain a clear steer on how to take this forward, and in particular informing the access to justice project of Making Justice Work.

What do we mean by legal capability and how capable are we?

Gemma Crompton, (Policy Manager (Legal Services), Consumer Focus Scotland)

Gemma Crompton's presentation aimed to explain the concept of 'legal capability.' Gemma explained that 'legal capability' relates to the abilities a person needs to deal

⁴ Scottish Civil Courts Review (2009) *Report of the Scottish Civil Courts Review*, Edinburgh: Scottish Civil Courts Review

⁵ Consumer Focus Scotland (2011) *Ensuring effective access to appropriate and affordable dispute resolution: the final report of the Civil Justice Advisory Group*, Glasgow: Consumer Focus Scotland

with law-related issues. Work in England and Wales to develop a concept of legal capability has been grounded in the approach to financial capability. Like financial capability, there are considered to be three key elements to legal capability:

- **Knowledge:** not necessarily specialist knowledge of rights, but sufficient knowledge to recognise that a person has rights, know where to find out more about them, know there's a system that gives you rights and responsibilities, and know where to go for help.
- **Skills:** while there is the potential to equate legal capability only with self helping, and therefore to be seen only to benefit people who are already confident and capable, skills should be thought of in broad terms to include things like communication skills, the ability to make decisions, and to keep track of correspondence, rather than simply the ability to deal with an issue independently.
- **Confidence and attitudes:** this element would include the confidence to take action, belief in the legal process, and determination.

Although no specific research has been undertaken into legal capability in Scotland, there was sufficient existing evidence to provide an indication of the level of legal capability in Scotland. Although there is some topic specific research indicating that consumers have good knowledge of their rights, overall much of the evidence in relation to knowledge is not overly positive. Research commonly indicates low levels of knowledge amongst consumers of their rights and responsibilities, means of resolving disputes, and what help, if any, is available. However, research does indicate that some organisations, for example Citizens Advice Bureaux, do have high levels of recognition. It is often certain groups of consumers such as those on lower incomes, younger and older consumers, those without formal qualifications etc, who feel less well informed about their rights.

There is very little specific evidence in Scotland about skills for dealing with resolving law-related problems. The Paths to Justice Scotland research,⁶ however, suggested that consumers don't want to be empowered to deal with their problems, they want to be saved. Consumer Focus Scotland and Scottish Legal Aid Board research into the views and experiences of civil court users found that such users were particularly nervous about standing up in front of a judge and understanding the language of the court. In thinking about skills to resolve problems, it is useful to think of capability generally; the average reading age in Scotland has been reported as being somewhere between nine and eleven, for example. That would impact fundamentally on a person's ability to deal with law-related issues and emphasises that written information cannot always be relied upon. Where such written information is used, this should be in plain language.

In relation to confidence and attitudes, evidence suggests that consumers in Scotland report problems less frequently than their counterparts in England and Wales. It is not thought that they experience fewer problems, but rather that they report them differently, perhaps due to a greater sense of community in Scotland, or

⁶ Genn, H. and Paterson, A. (2001) *Paths to Justice Scotland: What People in Scotland Do and Think About Going to Law*, Oxford – Portland Oregon: Hart Publishing

alternatively a greater sense of fatalism and powerlessness. Paths to Justice Scotland also suggested that there are negative perceptions of the legal system amongst consumers and a sense of “alienation” from the law. Most people would prefer to avoid becoming involved in legal and court processes. They are apprehensive about involvement with lawyers, and are very concerned about the potential costs, formality, delay and trauma they associate with legal processes.

It was Consumer Focus Scotland’s view that taking steps to build consumers’ legal capability was an example of early intervention and prevention, by helping people to make better decisions in order to avoid potential disputes, and to enable them to respond more effectively when problems do emerge. This was felt to have benefits not only for the justice system, but also for other public services, given the clear evidence that law-related problems can have knock-on impacts on other services such as health, housing, and benefits. It was hoped that the Scottish Government’s commitment towards adopting a more preventative approach in its policy interventions might be a catalyst towards greater prioritisation being given to activity to build consumers’ legal capability.

Introducing Legal Capability

Lisa Wintersteiger (Development Consultant, Public Legal Education Network (Plenet))

Lisa Wintersteiger discussed the approach to legal capability that was being developed in England and Wales. This work had been led by the Public Legal Education Network (Plenet), which was part of the Advice Services Alliance and is predominantly a practitioner focussed service. They showcase good practice through their newsletter, various events and lobbying.

The foundation of legal capability was what people need to know and do when faced with legal issues in everyday life. In general, people fail to cope with these. The aim of work to build legal capability was therefore to transform people’s abilities to deal with law-related events in their lives. This was not about expecting people to become experts in the law, but to empower them to seek help if and when they need to.

Plenet had commissioned some work to try and conceptualise what it meant to be ‘legally capable.’ It was felt that conceptualising legal capability would serve a number of useful purposes, including:

- To help when thinking about PLE project design
- To help when thinking about evaluating projects
- To help when thinking about measuring legal capability

This work has led to the development of a legal capability matrix, which identifies four legal capability ‘domains’, setting out at a high level what people would need to be able to do when dealing with a law-related issue.⁷ This matrix also includes a results framework in relation to these domains, which set out in detail the knowledge

⁷ These domains did not take into account people with significant learning issues

and skills that we might expect a legally capable person to have. The four legal capability domains included within the matrix are:

- **Be able to recognise and frame law related issues:** knowing about rights and responsibilities, being able to differentiate between criminal and civil law, seeing civil law as an opportunity rather than simply a threat, for example.
- **Be able to find out more about law related issues:** being able to find out what rights and obligations apply in a particular situation, being able to find out what steps to take in order to resolve an issue, being able to critically assess different sources of information, being able to recognise when you need to seek legal advice.
- **Be able to deal with law related issues:** being able to decide what you want, being able to apply information or advice to deal with an issue, being able to identify an appropriate course of action and having the confidence and persistence to see it through.
- **Be able to engage and influence:** being aware of issues that might impact on your life and the lives of others, being able to engage with and influence the world in which you live, being able to seek change in the laws and procedures that affect your life and the lives of others.

Plenet had undertaken research measuring young people's legal capability. This found that many had no knowledge of civil law at all and they lacked the necessary skills, including communication skills, and attitudes required to engage effectively in trying to resolve their issue. Plenet had therefore helped develop a theatre workshop which tried to address these issues, and a short video of this workshop was shown to delegates. The workshop focused on young people's knowledge and skills when trying to access housing and avoid homelessness and allowed young people to participate and identify where improvements could be made.

Plenet's perception of PLE activity was that delivery of such initiatives was still very focussed on information rather than skills. It was also felt that more research was required to understand the skills that people have. Plenet was currently developing an evaluation framework to accompany the legal capability matrix and that was expected to be available on the Plenet website within the next two months.

Workshop and feedback session – legal capability domains

During the morning workshop session, delegates were placed into four groups and each group was given a copy of the Plenet legal capability matrix (see appendix 3) and a different scenario to consider. Each scenario concerned an everyday issue with a potentially legal solution, therefore raising questions relating to a person's legal capability to be able to deal with that issue. Each group was asked to consider the following questions in relation to their scenario:

1. Using the matrix for reference, what legal capabilities do you think might be needed in this situation?
2. Are there any elements of legal capability relevant to the situation that is not on the matrix?
3. Are there any elements of the matrix that you think require further development?
4. Are there any differences in the Scottish context that would require changes to be made to the matrix?

Following the workshop session, each group was asked to feedback the main points of their discussions during a facilitated discussion session. Copies of the scenarios and the main points of discussion from each group are included at appendix 4. There were a number of key points which were the focus for discussion during the feedback session:

1. The important role of legal capability in preventing problems emerging

There was consensus that the matrix focused on what a person might be expected to know and do once a problem had already arisen. However, there was a clear feeling that having appropriate knowledge and skills to recognise the legal implications of a situation, and to find out about this prior to making a decision about whether/how to proceed, would lead to people making more informed decisions and therefore minimise the potential for problems to arise. This preventative element was considered to be missing from the matrix. The need to identify 'trigger points' in people's lives was considered to be an important means of targeting potential methods of preventative intervention.

2. The need to not overly 'legalise' the capability required

There were a number of aspects to this discussion. Firstly, there was general agreement that while some knowledge of rights, responsibilities, and processes would be required, legal capability was not about trying to ensure people were as knowledgeable and skilled as 'professionals' working within the justice system. In particular the issue of skills was felt to be more related to life skills, such as communication skills and the ability to negotiate, rather than specific legal skills.

Secondly, there was a feeling that the matrix perhaps unduly legalised decisions that people would have to make. One group, for example, felt that people simply wanted

to find out 'what I need to do' in relation to everyday issues, such as renting a flat or getting married, rather than this being put in a specifically legal context. Other groups had also felt that non-legal solutions to scenarios may be preferable for some people or in some instances, but the matrix focused on solutions being law-based. This was felt to be closely tied to a person's ability to articulate the outcome they wanted from a situation and to be realistic in their expectations of what could be achieved.

3. Recognition that many issues require to be managed over time

There was some agreement that where a problem had arisen, dealing with it may not be a one-off interaction - it may require to be managed over a period of time. This meant that the legal capability to deal with an issue should not be regarded as static, and that it must instead be recognised that this may need to change in order to deal with the changing circumstances of a problem.

4. Responsibility for building legal capability goes beyond the justice system

There was a clear feeling that responsibility for trying to build consumers' legal capability would be the responsibility of a wide range of organisations, not simply those agencies working in the justice system, particularly as some of the skills and competencies were considered to be more general 'life skills.'

Educating and empowering this wide range of organisations, including potential 'problem noticer' organisations, to be better able to support consumers at appropriate points was considered to be essential.

Session 2: Developing a strategic approach to building legal capacity

Legal Capability - reaching out across sectors

John Seargeant, Trustee, Foundation for Public Legal Education (Law for Life)

John Seargeant's presentation provided background on how a strategic approach to PLE and legal capability had been developing in England and Wales.

PLE had first come to wider attention in England and Wales in 2004 when the Advice Services Alliance, Citizenship Foundation and Legal Action Group published a discussion paper 'Towards a national strategy for public legal education.' Following this consultation, these organisations recommended that an independent steering group should be established to consider how a national strategy for public legal education should be taken forward. The then Department for Constitutional Affairs set up such the Public Legal Education and Support Task Force in 2006, chaired by Professor Dame Hazel Genn. Its role was to:

- Define PLE - what it does and how it works;
- Make the case for PLE: with government; legal and education professions; third sector in general; community advice sector;
- Review delivery of PLE: what is needed to improve and develop PLE to its full potential?; and
- Make recommendations: what needs to be done to achieve this?

The PLEAS Task Force brought together 28 representatives of organisations and departments that had an interest in public legal education, representing a diverse range of sectors. In its final report, which was published in spring 2007, the Task Force outlined its views as to the need for:

- A coherent approach to PLE development;
- An independent body to promote and facilitate development;
- A broad funding base;
- A network of PLE partners – funders, practitioners, policy people, researchers, theorists; and
- Champions.

The report did, however, identify a range of potential obstacles to the development of PLE, including: a lack of coherent identity; isolated initiatives; short-term funding; patchy and uneven provision; good practice being unable to develop; no-one taking responsibility for PLE; and no-one having PLE as a mission.

Following on from the Task Force, the Public Legal Education Network, a project of the Advice Services Alliance funded by the Ministry of Justice, was formed in 2008, with the brief of taking forward the Task Force's recommendations. Plenet enjoyed a number of achievements, including creating an online membership network, developing a range of partnership-based pilot projects, creating an international research and evaluation group to bring together international interests, and producing key population-based research studies. It also worked to shift the focus of

attention to 'legal capability', rather than public legal education, and was working on a legal capability evaluation framework.

Following the cessation of Plenet's funding in March 2011, the Foundation for Public Legal Education was formed. This is an independent PLE body, with a broad base of trustees from government, law, and education. It is supported by senior member of the judiciary and legal academics and has initially been funded through donations, with no government funding. Its key tasks are to ensure secure funding for its work, continue with the work of Plenet and promote 'legal capability' more widely, especially within the education and community development sectors, as well as making the case for legal capability across government.

The Foundation still has a number of problems to overcome in promoting legal capability, including the fact that the concept is still at a very early stage of development and it is therefore difficult to explain to the public what legal capability is. It was also felt there were particular challenges in building legal capability given capability is often improved through learning and acquiring skills and then repeating behaviour. Another key challenge was overcoming the common problem that discussions on the subject often drifted towards the need to understand the legal system rather than the concept of legal capability that had been highlighted at the seminar. There was therefore felt to be a need to engage with, and convince, a wide range of organisations about the key concepts and elements of legal capability.

Financial capability in Scotland

Allison Barnes, External Affairs & Corporate Policy, Money Advice Service

Given the potential links between legal and financial capability, as well as the shared principles between the two disciplines, Allison gave a brief overview of how financial capability has been developing over the past seven to eight years.

In 2005, the Financial Services Authority conducted a large baseline survey that measured financial capability in the UK focusing on the following elements of capability:

- Making ends meet;
- Keeping track of finances;
- Planning ahead;
- Choosing financial products; and
- Staying informed about financial matters.

This resulted in the national strategy for financial capability and led to the establishment of the Money Advice Service, funded through the financial services levy.

There were areas where there were clear links between financial capability and legal capability. For example, in relation to tenancies, there would be a need to understand both rights and responsibilities as a tenant and the financial aspects of a

tenancy. Issues around debt and its implications, such as bankruptcy, was another area where there was clear crossover between the disciplines.

There had been a number of developments in Scotland towards developing a strategic approach to financial capability. The Scottish Financial Capability and Inclusion Advisory Group had been formed in conjunction with the Scottish Government and the Money Advice Service, and included membership from a wide range of organisations. This made the group well placed to promote the value of financial capability as an early intervention, contribute to coordination of financial capability activity and identify potential issues and respond as necessary.

The Scottish Government had also produced a Financial Capability Discussion Paper and Evidence Review, setting out its strategic approach to financial capability. This work was linked closely to the Scottish Government's framework for tackling poverty and income inequality 'Achieving our Potential' and represented a shift towards recognising the importance of early intervention and prevention. This approach had ensured there was both national and local co-ordination of activity.

The Scottish Government had also provided funding for the Financial Learning Online (FLO) website, which was managed by Learning and Teaching Scotland (now Education Scotland). This website represented a single portal where those involved in financial capability and financial learning for adults in Scotland could access support such as case studies and other resources. The Money Advice Service was also organising a stakeholder event in conjunction with the Scottish Government, Education Scotland and Standard Life, designed to give financial capability practitioners the opportunity to hear about and contribute to developments in policy and practice.

In Scotland, there was a clear focus on financial capability as a long-term commitment, representing a policy shift towards early intervention and prevention. It was recognised that there was still much to do in this area however. Future events were planned and there was an emphasis on continuing support for practitioners and building on infrastructure and delivery mechanisms. The Money Advice Service was also concentrating on adopting a behavioural economics approach in building consumers' financial capability, in order to ensure buy-in.

Lessons from consumer health information

Sheila McLachlan, Health Rights Information Scotland

Sheila McLachlan provided information on Health Rights Information Scotland (HRIS), a project established in 2003 and funded by the Scottish Government Health Directorate with the following aims:

- To produce and maintain information on patients' rights and health services within the NHS in Scotland
- To advise and assist others in providing information for patients
- To promote best practice in information provision
- To produce information in a variety of languages and formats

HRIS produces a range of information resources, many of which have a strong legal basis. The resources are produced centrally and are then distributed by local NHS boards. This keeps information nationally consistent and ensured non-duplication. The staff employed by the project are experts in information provision, rather than having a background in health, and so the project consults with experts in the relevant fields, such as the Scottish Government, academics and legal professionals, to ensure the information is accurate. The project staff ensure that complex information is distilled into simple, easy to understand information for consumers. In order to ensure the information meets the needs of the public, a significant amount of user testing, such as focus groups, is built into the publication timescale. The project is moving away from a reliance on printed information, and is exploring the use of new formats such as film clips and DVDs.

The project model that HRIS uses has a number of advantages and disadvantages. Producing resources centrally, providing local contacts where required, ensures a nationally consistent standard of information and assurance of quality. The public are empowered as they know where to go to give feedback or to get more information. The significant involvement of the public in the publication process through user testing is felt to be a particular strength of the project. However, there can be resistance from some health boards which sometimes want to produce their own information. Budget cuts are presenting various challenges, particularly on the feasibility of providing printed leaflets. This, together with the dependence on others to disseminate the HRIS information highlights the importance of keeping the website up to date.

At its heart, the project is about empowering the public to deal with legal issues in the context of health, and so has strong links with legal capability. From HRIS' experience, there are a number of important lessons for developing legal capability activity:

- Information must be presented simply; clear English should not be misconstrued as bad English.
- It is important not overcomplicate or overestimate the amount of information that people need or want; HRIS' experience is that people prefer to receive the key points about an issue with good signposting to further sources of information, rather than being provided with in-depth information.
- It is important to consider the varying levels of literacy people have as well as the different audiences that will be using the resources.
- User testing of resources is vital to ensuring the information meets the needs of its audience. HRIS' Caring and Consent leaflet, for example, was overhauled after user testing found that the information remained too detailed and complicated for people's needs.

Sheila concluded her presentation by highlighting some upcoming work which the project would be undertaking. The Patient Rights (Scotland) Act 2011 places a duty on Scottish Ministers to publish a Charter of Patient Rights and Responsibilities and

HRIS has been asked to lead on the development of this charter. This builds on previous work done by HRIS and will provide a challenge to produce something both MSPs and members of the public are happy with.

Legal capability within Curriculum for Excellence

Michael Farrell, Development Officer, Developing Global Citizens Team, Learning and Teaching Scotland

Michael Farrell began his presentation by giving some background on Learning and Teaching Scotland, which was soon to merge with Her Majesty's Inspectorate of Education, and the Scottish Government's National Continuing Professional Development and Positive Behaviour teams, to become Education Scotland. Part of Education's Scotland's remit was to lead and support the implementation of Curriculum for Excellence.

Curriculum for Excellence provided a more flexible curriculum, designed to be inclusive, provide a stimulus for personal achievement and, through the broadening experience of the world, be an encouragement towards informed and responsible citizenship. The curriculum is based on the four key values of wisdom, justice, compassion and integrity. These values were all felt to have direct links with legal capability.

The core purpose of Curriculum for Excellence is to ensure that young people develop the necessary knowledge, skills and attributes to be: successful learners; confident individuals; responsible citizens; and effective contributors. Developing these four capacities is the responsibility of all teachers and should be incorporated across all curriculum areas. The detail of these capacities had clear overlap with the issues that had been discussed during the course of the seminar; they included such outcomes as being self-aware, respecting others, commitment to participate responsibly, resilience, and making informed choices and decisions.

Global citizenship is one of the 'themes across learning' contained within the Curriculum for Excellence. One of the key elements of this theme is 'education for citizenship' which covers issues relating to rights and responsibilities at local, national and global levels.

In developing approaches to learning, the UN Convention on the Rights of the Child has been embedded into Curriculum for Excellence. This ensures that the views of young people are taken seriously, as well as emphasising their responsibility to listen to others.

Curriculum for Excellence is also founded on the premise that the curriculum can best be delivered through partnership working; this will ensure a more personalised learning experience for young people. Local authorities and schools are therefore being encouraged to identify and work together with relevant partners to plan and deliver learning and other experiences which meet the needs of individual children and young people.

One of the key outcomes of Curriculum for Excellence is 'Our young people as global citizens, able to take up their place in the world, contribute to it confidently, successfully and effectively, understanding rights and responsibilities of working and living in a globalised world.' There may therefore be a role for legal capability activity to contribute to the achievement of this outcome. Curriculum for Excellence therefore provides a framework within which legal capability can flourish.

Workshop and feedback session – short-term and medium-term strategic priorities for developing legal capability in Scotland

Following the afternoon's presentations, delegates were again placed into groups, and asked to consider the following question:

- Considering what you've been told about how capability has been developed in other jurisdictions/disciplines, what do you think should be the priorities for taking this work forward in Scotland? Please focus on short (1 to 2 years) and medium term (3 to 5 years) priorities.

Groups were again asked to feed back the main points of their discussions during a facilitated discussion session. The main points of discussion from each group are included at appendix 5. The key points raised during the facilitated feedback session, which focused mainly on short-term priorities, were as follows:

1. There was consensus that a working group should be set up to consider this issue further

Several groups suggested that some form of advisory/working group would be a useful way to proceed in the short term. It was thought that such a group could be a key means of bringing together interested parties to further develop thinking on legal capability in Scotland. Among the suggested purposes of this group were to identify priorities for action by topic area or group; to try and establish a baseline of what legal capability activity is currently ongoing; and to look to other areas to consider what preventative strategies have been successful. It was thought to be useful to take the work of Plenet as a starting point.

In the longer term, some groups had discussed trying to find a 'home' for work to lead legal capability. Different suggestions for what type of organisation this should be had been suggested. One group referred to the 'Review of Legal Information and Advice Provision in Scotland' report, published in 2001, which recommended that the Scottish Legal Aid Board should take this role. Another group, however, while agreeing that a strategy should be led by one organisation, did not think that this should be a legal organisation.

2. There was a need to gather evidence as to why taking a preventative approach was important

While it was recognised that some of the impacts and outcomes of legal capability activity may be longer term, it was felt to be important to try and gather some evidence which would support the need for a preventative approach being taken; it was felt that developing some 'quick wins' would be helpful in building support for an increased emphasis on preventative intervention for law-related problems.

Next Steps

The seminar concluded with brief comments from Yvonne MacDermid, chair of the seminar, and Sarah O'Neill from Consumer Focus Scotland, the organisers of the seminar.

Yvonne felt the seminar had been useful in raising the profile and understanding of legal capability, and had provided a useful forum to discuss and debate the issues. Some tangible outcomes had emerged from the day, particularly around the desire to see a working group set up. There clearly was a willingness amongst organisations to work together to develop this issue in Scotland. She thanked delegates for their participation and for being so open in discussions.

Sarah agreed that a consensus had emerged in discussions about how to take this forward, and such a consensus was an important means of driving development. It was Consumer Focus Scotland's view that ensuring consumers are able to resolve problems as quickly and effectively as possible should be a key priority moving forward, not simply because of benefits to the justice system, but also because of the impact on other areas such as health. Building legal capability represented an opportunity to focus more on preventative intervention, which fitted with current Scottish Government priorities.

Appendix 1: Seminar Participants

Chair			
Yvonne	MacDermid	Chief Executive	Money Advice Scotland

Speakers			
Allison	Barnes	External Affairs and Corporate Policy	Money Advice Service
Gemma	Crompton	Policy Manager	Consumer Focus Scotland
Michael	Farrell	Development Officer, Developing Global Citizens Team	Learning and Teaching Scotland
Colin	McKay	Deputy Director, Legal System Division	Scottish Government
Sheila	McLachlan	Project Support Officer	Health Rights Information Scotland
John	Seargeant	Research and Evaluation Specialist	Public Legal Education Network
Lisa	Wintersteiger	Development Manager	Public Legal Education Network

Delegates			
Barbara	Brown	Principal Clerk	Scottish Land Court
Paul	Brown	Principal Solicitor/Chief Executive	Legal Services Agency
Liz	Campbell	Director, Education and Training	Law Society of Scotland
Rt. Hon. Lord	Coulfield	Chair	Civil Justice Advisory Group
Marieke	Dwarshuis	Senior Director	Consumer Focus Scotland
Heather	Henderson	Corporate Services Officer	Consumer Focus Scotland
Richard	Henderson	Chair	Scottish Committee of the Administrative Justice and Tribunals Council
James	How	Team Leader, Access to Justice and EU Strategy	Scottish Government
Keith	Jones	Advisory Officer (Legal Projects)	Citizens Advice Scotland
Kelly	Leishman	Administrator	Consumer Focus Scotland
Sharon	MacPherson	Debt Strategy Officer	Glasgow City Council

Iain	McGrory	Board Member	Scottish Legal Complaints Commission
Heather	McPhee	Development Officer, Education and Training	Law Society of Scotland
Susan	McPhee	Director of External Affairs	Citizens Advice Scotland
Michael	Menlowe	Committee Member	Scottish Committee, Administrative Justice and Tribunals Council
Professor Donald	Nicholson	Director, Strathclyde University Law Clinic	University of Strathclyde
Mandy	O'Neill	Business Development Officer	Scottish Court Service
Sarah	O'Neill	Director of Policy	Consumer Focus Scotland
Professor Alan	Paterson	Director, Centre for Professional Legal Studies	University of Strathclyde
Ben	Peggie	Information Services Officer	Young Scot
Robert	Sutherland	Convenor	Scottish Legal Action Group
Hazel	Thoms	Manager of Policy and Development	Scottish Legal Aid Board
Lynn	Welsh	Head of Legal (Scotland)	Equality and Human Rights Commission

Appendix 2: Seminar Programme: Developing a strategic approach to building legal capability in Scotland

SEMINAR PROGRAMME	
	Registration & Coffee
10.00 – 10.05	<i>Welcome and Introduction</i> Yvonne MacDermid, Chief Executive, Money Advice Scotland (Chair)
Session 1: Developing a concept of legal capability in Scotland	
10.05 – 10.20	<i>View from the Scottish Government</i> Colin McKay, Deputy Director, Legal System Division, Scottish Government
10.20 - 10.40	<i>What do we mean by legal capability and how capable are we?</i> Gemma Crompton, Policy Manager (Legal Services), Consumer Focus Scotland
10.40 – 11.00	<i>Introducing Legal Capability</i> Lisa Wintersteiger, Development Consultant, Public Legal Education Network (Plenet)
11.00 – 11.45	<i>Workshop – legal capability domains</i>
11.45 – 12.00	BREAK
12.00 – 12.45	<i>Facilitated session – feedback on legal capability domains</i>
12.45 – 13.30	LUNCH
Session 2: Developing a strategic approach to building legal capability	
13.30 – 13.35	<i>Welcome back</i> Yvonne MacDermid, Chief Executive, Money Advice Scotland (Chair)
13.35 – 13.50	<i>Legal capability - reaching out across sectors</i> John Seargeant, Trustee, Foundation for Public Legal Education (Law for Life)
13.50 – 14.05	<i>Financial capability in Scotland</i> Allison Barnes, External Affairs & Corporate Policy, Money Advice Service
14.05 – 14.20	<i>Lessons from consumer health information</i> Sheila McLachlan, Health Rights Information Scotland
14.20 – 14.35	<i>Legal capability within Curriculum for Excellence</i> Michael Farrell, Development Officer, Developing Global Citizens Team, Learning and Teaching Scotland
14.35 – 15.20	<i>Workshop – short-term and medium-term strategic priorities for developing legal capability in Scotland</i>
15.20 – 15.25	BREAK
15.25 – 16.05	<i>Facilitated session – feedback on strategic priorities</i>
16.05 – 16.10	<i>Next steps</i> Sarah O'Neill, Director of Policy, Consumer Focus Scotland
16.10 – 16.15	<i>Wrap up and close</i> Yvonne MacDermid, Chief Executive, Money Advice Scotland, (Chair)

Appendix 3: The Legally Capability Matrix: Four domains of legal capability

Framing and recognising law-related issues	Knows about the concepts of rights and obligations as a way of framing law-related issues	Able to apply the concepts of rights and obligations to law-related issues	Able to identify that civil law can help deal with an issue	Feels confident about explaining an issue and asking and answering questions about it			
Finding out more about law-related issues	Able to find out what rights and obligations apply in a particular situation	Knows how to find out about the steps involved in dealing with an issue	Knows how to find out more about an issue	Able to critically assess different sources of information about an issue	Able to assess when they can deal with an issue themselves and when they might need expert advice	Knows about different sources of advice and how to assess which of them will meet their needs	Able to identify obstacles, risks and consequences
Dealing with law-related issues	Able to decide what they want in terms of desired outcome	Able to apply information and advice to deal with an issue	Knows about different courses of action for dealing with an issue	Able to critically assess different courses of action for dealing with issues (which may include doing nothing)	Able to plan and follow-through a course of action to deal with an issue	Able to keep track e.g. of paperwork, phone calls, people	Able to ask, explain, discuss, complain, reach a compromise
Engaging and influencing	Aware of issues that might impact positively or negatively on their lives and/or the lives of others	Knows how to engage with and influence the world in which they live	Knows how to seek changes in laws, procedures or similar that affect their lives and/or the lives of others				

Appendix 4: Notes of morning workshop discussions

Group 1 – Scenario 1

Darren is 35 and works for a high street bank. He is to be redeployed to another department as a result of the economic situation. This involves moving to a different job with reduced opportunities for career development. Darren has never got on with his boss and believes he is being discriminated against.

Feedback from the group:

- He needs to know he needs advice.
- He needs to know he is not powerless.
- He needs to be able to articulate his expectations/the outcome.
- Does mediation have a role?
- Knowledge balances the power – he needs to know more about the whole picture.
- This is about life skills not legal skills.
- Whose responsibility is it? Is knowing where to go enough?
- What can the justice system supply? Bringing life skills is not the job of the justice system.
- Who are the important actors? Justice, education and positions of authority all play a pivotal role.
- Awareness of issues you might come up against.
- Educating and empowering those in authority (professionals) so they are able to provide support at the right points is as important as educating and empowering those who don't have the necessary skills.
- Social providers – making people aware of their rights and responsibilities.
- In a specific Scottish context – Scots are generally found to put up with problems more. We don't however know why this is the case and if it's a good or bad thing. Until we know more, can we do anything about it?
- Social responsibility – negotiation skills not captured on the matrix. It's important to capture other life skills.
- Need to learn more about people and what the skill set might be.
- More work to be done within a Scottish context in recognising the players.

Group 2 – Scenario 2

Amina is nineteen years old and in her first job. She wants to leave home and rent a flat which she will share with two girlfriends. The three of them are about to start looking for a flat to rent.

Feedback from the group:

Question 1

- There is a pre-issue that needs to be considered. How might Amina know there are legal implications? Does she know that she might need a lease? And how does she know it would be advisable to have one?

- Age related capacity issues. There's a risk that a lot of young people resort to Google to obtain information. This information may not be the most reliable or the most applicable in Scotland.
- There is a trust issue.
- How people look for issues – framing issues.
- How does Amina know that she has rights and responsibilities? Does she recognise this?
- There's also the issue of rights and responsibilities between flat mates e.g. affordability and lease term etc.

Question 2

- Having enough knowledge. The first row of the matrix is not looking enough at preventative measures.
- If preventative, might involve issues – ability to make informed choices.
- Some parallels with the other groups – timing is important.
- Thinking about the nature of the problem – is it a legal issue? Is there non-legal solutions?
- Solutions – the need to articulate wants and needs. Needs to know full picture – power of relationships.
- Where to go to obtain appropriate advice.

Question 3 and 4

- Preventative measures.
- A general consensus that option 2 could be tweaked a little about what people think is obvious. Need to get to notions of 'obvious' – 2nd last box of 2nd row.
- Want to find out how to do things – life shifts.

Group 3 – Scenario 3

Martha is in her late 40s. She lived with her partner Dave, a successful business man, for 18 years until he died following a short illness, without leaving a will. Martha is shocked to discover that she is not automatically entitled to inherit any of Dave's estate. She thinks the law should be changed to protect other people like her.

Feedback from the group:

- Agreed Martha might need all of the capabilities in the matrix, especially because she thinks the law should be changed.
- Interacting with organisations and professionals – are procedures intelligible?
- Intelligible law – the right or entitlement to have to deal only with information and procedures that are understandable in plain English.
- Trigger points in the system to stimulate prevention. What are the triggers in people's lives?
- The human rights legislation comes in to this. In a Scottish context, the human rights legislation is clearer.
- In Scotland the use of tenancy agreements generally take away rights.

- By using the internet for information, you don't always get what you need. E.g. differences in law in Scotland compared to England and Wales and the ability to differentiate between information.
- Dealing with an issue is not a one-off interaction. It's dealing with an issue and managing a problem over a period of time.
- Managing expectations.
- There's nothing in the matrix about knowledge. It's generally agreed that a person doesn't need a lot, but a person still needs to know some basic things about rights and responsibilities.
- Capturing how much do people need to know in order to function well.
- Persisting belief of common law marriage that has been around for years that the justice system has failed to address.
- Plenet carried out a web and media campaign in England called 'living together' to address some of the perceptions people have on this issue. But even after this campaign, there are still problems.
- Is there a role for solicitors?
- Relationship between the individual and state is stronger in Scotland than elsewhere. There is legal capability on both sides.
- Incomplete appreciation of own legal system at ministerial level. A box before this box is required on what people are entitled to expect.
- Getting it right first time should be the other side of it to stop people needing.
- Not necessarily the 'wrong' places to go as intermediaries are often good sign posters.
- Trade Unions and collective organisations – there used to be a lot more of them e.g. tenants associations that used to provide people with the information they needed.
- How can we build on collective organisations?
- Ethical point – if an organisation is funded to provide information, it should be publically available and free to obtain. There are a lot of organisations that you need to be a member of and/or pay for.
- This area needs a Scottish version of Martin Lewis.

Group 4 - Scenario 4

Jim is in his mid 40s. He has purchased a new three-piece suite from a large furniture retailer. After it was delivered, he noticed that one of the sofas has a rip in the material. The retailer has offered to replace the damaged sofa but unhappy with the quality of the product, Jim wants to return the whole suite.

Feedback from the Group:

- The framework seemed a good starting point for thinking about competencies for legal capability
- Key gaps we saw related to competence around skill sets such as negotiating, and also the issue of understanding the difference between what the law said and what might be an achievable outcome in your individual case
- This related as much to being able to lower your expectations to be pragmatic, and to weigh up options
- It also maybe didn't reflect the way that you would have to be able to interact with "the other side" over a period of time rather than in a single instance – so keeping track of negotiations, or adapting your approach depending upon the way the other side responded would be vital

- Understanding of the law did feel to be important in this case study where achievement of a preferred outcome seemed more likely to flow from strong bargaining skills than use of technical legal language. It might help to give the context for your use of those different problem solving skills
- A lot of the competences were basic life skill competences rather than “legal” ones – and that the way children are now educated in general, regarding ability to make presentations, speak confidently, be self aware etc might over the next generation have a natural impact on ability to handle situations for a lot of people
- The importance of thinking about the other players too – if the intention in policy terms is to enable people to act in a legally capable way, and then to potentially be involved in formal legal matters, then the people in other justice sector structures such as the courts/tribunals/public administrative bodies would also need to be geared up to see that as a priority.
- In addition we tried to think through what the issues might be about enabling people who are maybe more readily capable than others to participate in dealing with legal matters – compared with people who would struggle due to basic communication skills being more difficult

Appendix 5: Notes of afternoon workshop discussions

Group 1:

- Challenges of deciding strategic direction priorities and direction
- Short-term is actually long-term/cost benefit to the justice system
- Developing concepts and trigger points will be long term
- Need to look at impact and outcomes – it takes a few generations to show impact
- Need some quick wins
- Qualification in legal capability?
 - o Benefits/what shape would it take?
 - o Lloyds have funded similar financial qualification “teach me, teach others”
 - o Online tool
 - o CPD training for practitioners
- CJAG – developing online resources to provide interactive services
- One organisation – but not legal
- Information provision – established evidence that this will save money
- Civil Justice Council – move towards FSA type of model – levy to fund work?
- Importance of training teachers in terms of health and wellbeing – any strategy needs to be clearly tied in and linked to CforE

Group 2:

- The need for some sort of advisory group to bring different people and sectors together.
- Acknowledged that no money in justice sector – can we try and identify where links are with other activity, such as financial capability and try and piggy back on this activity or on sectors where there is more finance?
- Trying to find a home for it e.g. of England and Wales – something for SLAB to do? They could try and provide core strategic capacity building.
- Would be useful to have some central portal which brings all resources together, else might spend a lot of time reinventing the wheel. In financial capability was appetite for supporting the sector – the Scottish Government had provided money for FLO. Access to resources helped take burden off smaller organisations.
- Need to try and develop a baseline. Might be better initially to focus on what will work rather than what we should do. Start with small projects on specific areas of capability and try to evaluate.
- SLAB's access to justice group – measuring what's there and what's not.
- Canadians have clear policy on PLE provision within Canadian justice - there's a statutory framework. California spends \$300million on self-help. Dutch have legal help counters.

Group 3:

- Short-term – need to develop Making Justice Work – working group to take forward – take work of PLEN as starting point
- Influence curriculum
- Working group/forum
 - o Who trying to impact?

- Link to trigger points
- People need to know basic consumer/legal concepts (similar to domains of financial capability) and develop their sense of comprehension
- Need to consider what previous strategies have worked and which have been less successful (e.g. 5 a day/drink driving campaign)/what distinguishes them/what do you need to tap into to help people see importance?
- Have a consensus re the forum/ a group of people with shared interests to build relationships and build on work that has already been done – but not a quango

Group 4:

- Draw on John's experience/what can we take form PLEN
- Finding a home for this – who leads/who should be committed etc
- Get together interested parties to focus on implementation of legal capability related work
- What should the focus be? Perhaps should focus on particular priorities, e.g. family law/potentially large so needs focus so not bogged down
- Baseline - What is going on now? Could be that legal capability is already being considered in other organisations.
- Evidence of why want to take preventable approach and the impact that that would have on the way things work – and how we show that?
- Single issue group – e.g. elderly, who is most vulnerable/at risk and where do we get that info?
- Compared with England there was probably more consensus that things could actually be done – focussing on improving the fragmentation of existing work – much of the work that was talked about during the day was familiar to those who had previously been involved in work on community development, urban regeneration, anti-poverty work – the sort of legal capability work on for example getting young people to understand the law and their responsibilities and rights around housing is a well trodden path in Scotland. What is not so usual is to have a co-ordinated national programme of such work on a priority issue where everyone pools resources
- Wondered what if any impact there was likely to be from the Concordat – being able to direct local and national activity at the same time
- It would be positive to look at the opportunities that Making Justice Work offers for getting this kind of work off the ground – to focus in one or two key priorities in justice policy where legal capability had a direct link e.g. tribunal reform, family law, or small claims – and identifying a combined set of actions that would seek to achieve improved legal capability plus related savings/improvements in the justice system.
- This would likely have to involve some kind of collation of work already carried out or under way on those particular themes – the idea of something like Advice Now as a web resource could be worth considering

Presentations

The following presentations can also be downloaded:

[Colin McKay](#)

[Gemma Crompton](#)

[Lisa Wintersteiger](#)

[John Seargeant](#)

[Allison Barnes](#)


[Sheila McLachlan](#)

[Michael Farrell](#)

Colin McKay


Building legal capability
The view from Government

Consumer Focus Scotland
27 June 2011

 The Scottish Government


Drivers of policy

- Focus on outcomes
- Delivered by change programmes, including Making Justice Work
- Spending Constraints
- Shift to preventative spend
- Digital Strategy

 The Scottish Government


Making Justice Work – key projects

- Structural reform to courts and tribunals
- Modernising procedures and rules
- ICT to transform service co-ordination and delivery
- Access to justice

 The Scottish Government

Making Justice Work - benefits

- Reduced system cost
- Reduced system time/delays
- Affordable access
- Improved user experience
- Fair and equitable justice
- Increased public confidence
- Increased capacity for improvement

 The Scottish Government

Access to Justice objectives

- To develop mechanisms which will support or empower users to avoid or resolve disputes and problems wherever possible, and to ensure they have access to appropriate and proportionate advice, and to a full range of methods of dispute resolution

 The Scottish Government

Access to Justice potential workstreams

- Criminal legal aid reform
- Strategic co-ordination of publicly funded advice
- Review of funding of litigation
- Self-help and public legal education
- ADR

 The Scottish Government

Self help and public legal education

- Draw on Gill and CJAG
- Re-focusing resource rather than new resource
- Part of wider drive to shift resolution upstream and down system where possible
- Just in time more than just in case?
- Technology key
- Evidence of benefits vital

 The Scottish Government

Fàcas Luchd-Caitheamh Alba
GEMMA CROMPTON
Consumer Focus Scotland
SCOTTISH CIVIL COURTS REVIEW

What do we mean by legal capability and how capable are we?

Gemma Crompton
Policy Manager (Legal Services)
Consumer Focus Scotland

Overview

- Background
- What is 'legal capability'?
- How legally capable are consumers in Scotland?
- Why is building legal capability important?

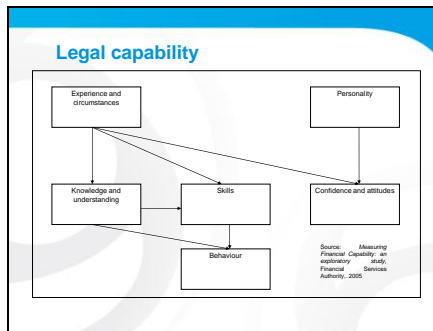
Overview

- **Background**
- What is 'legal capability'?
- How legally capable are consumers in Scotland?
- Why is building legal capability important?

Background

- Number of reviews dating back to 1980 point to need for more information on legal rights
- Scottish civil courts review
- Making Justice Work, Civil Justice Advisory Group, organisational support...

- Background
- **What is 'legal capability'?**
- How legally capable are consumers in Scotland?
- Why is building legal capability important?



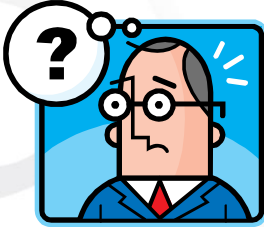
Key elements of legal capability

- Knowledge
- Skills
- Confidence and attitudes



- Background
- What is 'legal capability'?
- **How legally capable are consumers in Scotland?**
- Why is building legal capability important?

Legal capability: knowledge



Legal capability: skills



Legal capability: confidence and attitudes



- Background
- What is 'legal capability'?
- How legally capable are consumers in Scotland?
- **Why is building legal capability important?**

Why is building legal capability important?



Why is legal capability important?



Fòcas Luchd-
Caitheimh Alba



Consumer Focus
Scotland
Sàbhailteachd agus Ìmpidheachd

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Lisa Wintersteiger

plenet

Introducing legal capability

Lisa Wintersteiger

Public Legal Education Network

advice services

plenet

Advicenow and Plenet



www.advicenow.org.uk www.plenet.org.uk

advice services

plenet

Why conceptualise legal capability?

- To help us think about PLE project design
- To help think about evaluating projects
- To help us thinking about measuring legal capability

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Legal capability

- What should people know and be able to do when faced with law-related issues in every day life?
- PLE should aim to transform people's abilities to deal with law-related events in their lives.

advice services

plenet

What principles should we apply?

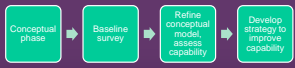
- Legal capability should go beyond knowledge of legal systems and processes
- Legally capable individuals should be able to critically engage with the law
- Legally capable individuals should be empowered to deal with law-related events in their lives
- BUT we do not expect individuals to become experts in the law

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Our influences

Financial Capability



- managing money
- planning ahead
- making choices
- getting help.

advice services

Amartya Sen



Legal Capability Domains

- What do people need to be able to do?
 - Recognising and framing law-related issues
 - Finding out more about law-related issues
 - Dealing with law-related issues
 - Engaging and influencing

Recognising and framing law-related issues

- You know about concepts of rights and obligations
- You are able to use these concepts to recognise and frame law-related issues
- You are able to identify that civil law can help deal with an issue
 - You recognise differences between civil and criminal law
 - You see civil law as an opportunity rather than a threat
- You feel confident to explain a law-related issue and ask/answer questions about it

Finding out more about law-related issues

- You are able to find out what rights and obligations apply in a particular situation
- You are able to find out what steps to take
 - What structures and processes do I have to negotiate?
- You are able to find out more about an issue
 - You recognise the importance of finding out more
 - You don't rely on hearsay or anecdote
- You are able to critically assess different sources of information

Finding out more about law-related issues (continued)

- You are able to assess when to seek expert advice
 - Can I deal with it myself? Am I out of my depth?
- You know about different sources of advice and how to choose one that's appropriate
- You are able to identify obstacles, risks and consequences
 - What obstacles are likely to arise?
 - What are the risks if I deal with this issue myself?
 - What are the consequences if I ignore this issue?

Dealing with law-related issues

- You are able to decide what you want
- You are able to apply information or advice to deal with an issue
- You are able to identify appropriate course of action
- You are able to plan and follow-through course of action
 - And have the confidence and persistence to see it through
- You are able to keep track of things
- You are able to ask, explain, discuss, complain

Engaging and influencing

- You are aware of issues that might impact on your life and the lives of others
- You are able to engage with and influence the world in which you live
 - Confident enough to talk to others, share experiences
- You are able to seek change in the laws and procedures that affect your life and the lives of others

An example: Theatre ADAD



Contact details

- Lisa.wintersteiger@advicenow.org.uk
- www.plenet.org.uk
- www.advicenow.org.uk

The Foundation for Public Legal
Education

Law for Life

Background

- Sept 2004: paper by ASA, Citizenship Foundation, LAG; further report June 2005
- Aug 2005: Department for Constitutional Affairs agrees to set up task force
- Jan 2006: Public Legal Education and Support Task Force set up, chaired by Professor Dame Hazel Genn DBE QC
- Diverse sectors represented – 28 members
- Final report in spring 2007

The PLEAS Task Force - roles

- Define PLE - what it does and how it works
- Make the case for PLE: with government; legal and education professions; third sector in general; community advice sector
- Review delivery of PLE: what is needed to improve and develop PLE to its full potential?
- Make recommendations: what needs to be done to achieve this?

**Developing capable citizens: the role of
Public Legal Education**

The report of the PLEAS Task Force



PLEAS Task Force Report: how to
develop PLE

- A coherent approach to PLE development
- An independent body to promote and facilitate development
- A broad funding base
- A network of PLE partners – funders, practitioners, policy people, researchers, theorists,
- Champions

PLEAS Task Force report: obstacles
to the development of PLE

- Lack of coherent identity
- Isolated initiatives
- Short-term funding
- Patchy and uneven provision
- Good practice unable to develop
- No-one takes responsibility for PLE
- No-one has PLE as a mission

The Public Legal Education Network

- From 2008 to March 2011 - a project of Advice Services Alliance
- Core funded by Ministry of Justice
- Brief to take forward the TF's recommendations

The Public Legal Education Network - achievements


- Focus shifts to 'legal capability'
- An online membership network
- Conferences and seminars
- Range of partnership-based pilot projects
- International research and evaluation group
- Key population-based research studies
- Legal capability evaluation framework

The Foundation for Public Legal Education

- Independent PLE charity (etc)
- Inheritor of Plenet's remit and achievements
- Initially funded through donations
- Broad base of trustees from government, law, education
- Supported by senior judiciary and legal academics

FPLE – key tasks now


- Secure funding base
- Continue with work of Plenet
- Promote 'legal capability' more widely – especially education and community development sectors
- Make case for legal capability across government

 the Money Advice Service

Financial Capability in Scotland

Allison Barnes
The Money Advice Service

moneyadvice.scot.nhs.uk


 the Money Advice Service

Background

What is financial capability?

- **Baseline Survey- FSA, 2005**
 - Making ends meet
 - Keeping track of your finances
 - Planning ahead
 - Choosing financial products
 - Staying informed about financial matters
- **Results have guided future work**

moneyadvice.scot.nhs.uk

 the Money Advice Service

Links with legal capability

Being able to manage your money affects you in all aspects of your life

- Tenancy – understanding your rights but also understanding the financial aspects
- Debt and potential implications i.e. bankruptcy
- And many more


moneyadvice.scot.nhs.uk

 the Money Advice Service

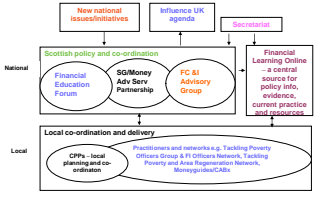
Developing Policy

- **Scottish Financial Capability & Inclusion Advisory Group**
- The Scottish Government and the Money Advice Service – working in partnership
- **Financial Capability Discussion Paper & Evidence Review**
- Shift to early intervention & prevention

moneyadvice.scot.nhs.uk

 the Money Advice Service

National and Local Coordination



moneyadvice.scot.nhs.uk

 the Money Advice Service

Where we are now

- **Stakeholder event**
 - Supporting practitioners
 - Networking
- **FLO (Financial Learning Online) website**
 - Single point of call
- **Link to policy - early intervention & prevention**

All helping to increase awareness

moneyadvice.scot.nhs.uk

Where we are going



There is a lot more to do

- **Future events planned**
- Continued support for practitioners
- **Build on infrastructure and delivery mechanisms**
- Opportunities

moneyadvice.service.org.uk




Lessons from consumer health information

Developing a strategic approach to building legal capability in Scotland
27 June 2011


Health Rights Information Scotland

- Established in 2003
- Funded by the Scottish Government Health Directorates
- Based within Consumer Focus Scotland (formerly the Scottish Consumer Council)



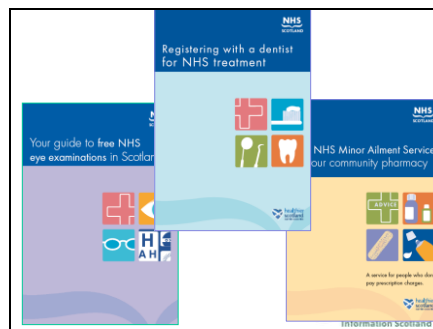

Aims

- Produce and maintain information on patients' rights and health services within the NHS in Scotland
- Advise and assist others in providing information for patients
- Promote best practice in information provision
- Produce information in a variety of languages and formats



How does the model work?

- Centrally produced information, distributed by local NHS boards
- Nationally consistent
- Information has a strong legal basis
- Staff are experts in information provision
- We try to distil information into simple language
- Consult with experts in the field
- Involve the public through user testing
- Exploring new formats such as film clips



Legal capability

- Empowering public to deal with legal issues in context of health
- Essential that information is presented simply
- Importance of good signposting
- Have to consider varying levels of literacy
- User testing is vital
- Consider different audiences

Advantages and disadvantages

Advantages

- Nationally consistent
- Ensuring quality
- Local contacts where required
- Public empowered as know where to go to give feedback or to get more information
- Public involved in the process user testing
- Legal concepts presented in simple language

Disadvantages

- Some resistance- boards wanting to produce their own information
- Challenges arising from budget cuts
- Dependent on others to disseminate our information

Caring and consent

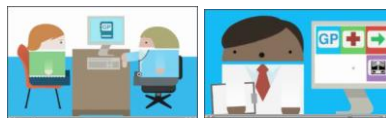
- Aimed at carers
- Adults with Incapacity (Scotland) Act 2000
- Consulted with professional stakeholders
- Challenge of expressing complex legal concepts simply
- Importance of good signposting
- User testing with carers was vital



Different formats



Different formats



Patient Charter

- Patient Rights (Scotland) Bill – royal assent on 31 March 2011
- Duty on Scottish Ministers to publish **Charter of Patient Rights and Responsibilities**
- HRIS asked to lead on development
- Builds on earlier work
- Challenge to produce something both MSPs and members of the public are happy with

Website:

- www.hris.org.uk

Email:

- hris@consumerfocus.org.uk

Michael Farrell

Legal capability
within Curriculum for Excellence

Seminar: Developing a strategic approach to building legal capability in Scotland
Monday 27th June 2011

Logos: Ethics Lead, Governance, Consumer Focus Scotland, Learning Teaching Scotland

Michael Farrell
Development Officer, Developing Global Citizens
Learning and Teaching Scotland

Learning Teaching Scotland logo

Legal Capability within Curriculum for Excellence

- Curriculum for Excellence
- Rights and Responsibilities
- Learning Approaches
- Partnerships

Learning Teaching Scotland logo

From 1st July...

Learning and Teaching Scotland
+ HMIE
+ National CPD team
+ Positive Behaviour Team
= **Education Scotland**

Learning Teaching Scotland logo

Core Remit of Education Scotland


- leading and supporting the implementation of Curriculum for Excellence;
- increasing the capacity for self-evaluation and self-improvement amongst education providers and practitioners;
- promoting high quality professional learning and leadership;
- identifying and stimulating innovation, sharing successful approaches widely with others;
- providing independent external evaluations of the quality of educational provision at individual provider, local authority and partners, and national levels;
- supporting the development and implementation of policy at National Level

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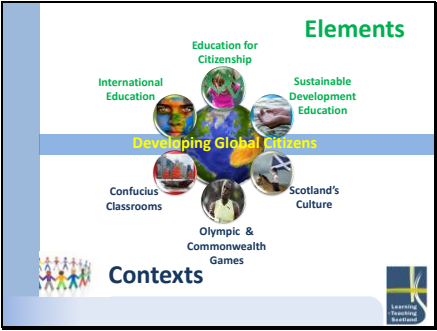
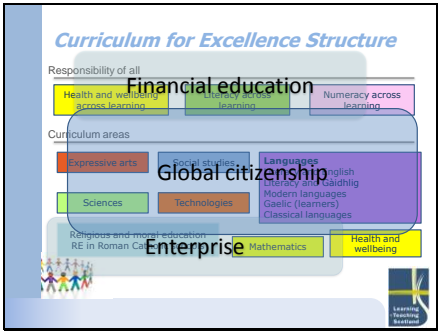
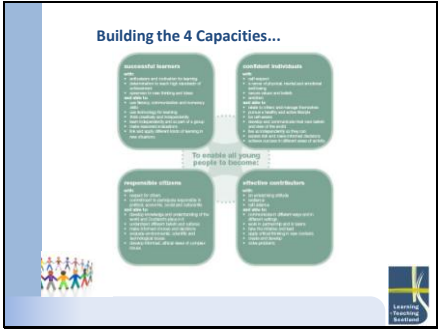
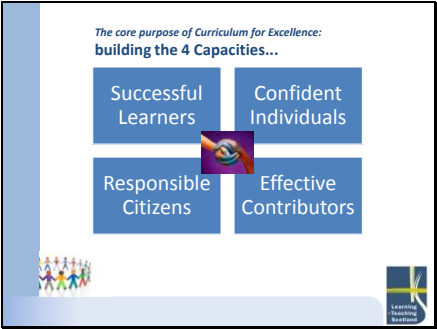
Curriculum for Excellence

Wisdom, Justice, Compassion, Integrity

The curriculum must be inclusive, be a stimulus for personal achievement and, through the broadening experience of the world, be an encouragement towards informed and responsible citizenship.




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Experiences and Outcomes

Health and well being


- As I explore the rights to which I and others are entitled, I am able to exercise these rights appropriately and accept the responsibilities that go with them. I show respect for the rights of others.
- Representing my class, school and/or wider community encourages my self-worth and confidence and allows me to contribute to and participate in society.
- Through contributing my views, time and talents, I play a part in bringing about positive change in my school and wider community.
- I am learning skills and strategies which will support me in challenging times, particularly in relation to change and loss.



Learning Approaches




UNCRC Article 12




Partnerships

- *Curriculum for Excellence can best be delivered through partnership working.*
- All establishments should **work with partners** and share a common understanding and language around skills development and application.
- Together, they should plan and deliver learning and other experiences which meet the needs of individual children and young people.
(Building the Curriculum 4: skills for learning, skills for life and skills for work)



Outcome



Our young people as global citizens, able to take up their place in the world, contribute to it confidently, successfully and effectively, understanding rights and responsibilities of working and living in a globalised world.



contact us

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