

# Attorney – General’s pro bono co-ordinating committee

## Public Legal Education Working Group

### Conclusions

#### Introduction

The PLE working group was set up by the Attorney-General’s pro bono co-ordinating committee in late 2012 with a single term of reference:

*To make recommendations to the Attorney –General’s pro bono co-ordinating committee for facilitating the further development of Public Legal Education (PLE)*

The working group (WG) has met on four occasions in December 2012 and January/ February/March 2013.

The members of the WG are set out in **annex 1**.

Information papers from members of the WG with examples of PLE are set out in **annex 2**

#### 1. Definition of PLE

The WG **concluded** that the definition of the PLEAS task force (*Developing capable citizens: the role of public legal education, July 2007*) is still appropriate and should continue:

*PLE provides people with awareness, knowledge and understanding of rights and legal issues, together with the confidence and skills they need to deal with disputes and gain access to justice. Equally important, it helps people recognise when they may need support, what sorts of advice are available, and how to go about getting it. PLE has a further key role in helping citizens to better understand everyday life issues, making better decisions and anticipating and avoiding problems.*

The above definition has been usefully developed by the *Law for Life* “capability model” which defines legal capability as “what we need to know and be able to do when faced with law-related issues in everyday life”, further developed by explaining that the capabilities people need divide into four areas:

- Recognising and framing the legal dimensions of issues and situations
- Finding out more about the legal dimensions of issues and situations
- Dealing with law- related issues and situations
- Engaging and influencing by understanding the relationship between the law in our everyday lives, the democratic process and wider social issues

## 2. Reasons for a review of PLE now :

The WP identified six reasons why this short review is particularly important at this time:

- The reduction / removal of legal aid entitlement as from 1<sup>st</sup> April 2103 when the provisions of the LASPO Act come into force
- The consequent urgency of delivering PLE in the priority areas of need after 1<sup>st</sup> April
- Paragraph 23 in the Executive Summary of the Civil Justice Council report (*Access to Justice for Litigants in Person, November 2011*) which says : “ *Public legal education ( or PLE )is the true starting point for helping the public and thereby those who could become self- represented litigants. The regulatory objective (Section 1, Legal Services Act, 2007) of increasing public understanding of the citizen’s legal rights and duties is important.*”
- The urgent need for better co-ordination of PLE to ensure that tried and tested models of delivery are shared and widely used
- The urgent need to raise awareness of ( and to promote ) PLE at a time when people will increasingly seek to resolve legal problems themselves
- The review of the national curriculum and changes to the education system in schools

## 3. The scope of PLE

The membership of the WG (**annex 1**) is in itself an indication of the wide range of organisations involved in delivering PLE in a variety of ways. There has been much debate in the WG about the scope of PLE, ranging from a basic entitlement for every citizen (pro-active so that people know how to avoid problems) to a three tier service analogous to public health education (reactive at the acute end, teaching skills as well as knowledge to help people resolve problems themselves). However, one size does not fit all, nor is it easy to define where PLE starts and finishes in pursuit of the aim to instil people with the confidence they need to address their legal problems. The **conclusion** of the WP is that although the PLE organisations do their best to cover the full spectrum of society’s needs for public legal education, increased effort and resources are required to promote collaboration and co-ordination to ensure effective delivery of PLE especially in the priority areas.

## 4. The priority areas

The WG identified six areas that will demand priority attention in the delivery of PLE as from 1<sup>st</sup> April 2013

- Family
- Housing
- Debt

- Employment
- Welfare law
- Criminal Justice

The prioritisation of these areas will add considerable extra burden to the already stretched PLE organisations and pro bono providers.

## 5. The national curriculum

The WG is pleased that the Government has recently announced its intention to retain citizenship within the national curriculum as a statutory subject at key stages 3 and 4. However it views with considerable concern the removal of a specific reference to learning about legal rights and responsibilities from the curriculum (although it does include personal financial capabilities). The WG **concludes** that it is of fundamental importance to the future of PLE that the citizenship part of the national curriculum should include learning about legal rights and responsibilities. In this crucial “early learning” area the Citizenship Foundation and other PLE / pro bono organisations have the expertise, skills and materials to deliver the necessary teaching in all schools.

## 6. The role of the legal regulatory bodies

The importance of the inclusion of PLE as one of the regulatory objectives of the Legal Services Act 2007 (LSA) cannot be over - estimated particularly at this time. By section 28 of the LSA the regulatory objective of *increasing public understanding of the citizen’s legal rights and duties* is given to the approved (front line) regulators including the Legal Ombudsman. Research carried out by the Legal Services Board and its Consumer Panel in this area underlines the importance of PLE as a statutory objective that cannot be ignored. The WP **concludes** that collectively the legal regulatory bodies, particularly the approved regulators, should take prompt steps to enhance the legal profession’s awareness of the importance of participating in PLE activities. The same duty of encouragement applies to the legal profession’s representative bodies

## 7. The role of Government

The statutory status of PLE in the LSA and (hopefully) the inclusion of PLE in the national curriculum both emphasise the responsibility of Government also to play its part including by support for and enabling of the delivery of PLE through the not for profit organisations and the professional bodies, particularly in the light of greater public need after 1<sup>st</sup> April. The relevant Government departments would appear to be the Ministry of Justice and the Department for Education. The WG **concludes** that these departments should take the lead in developing a forum for cross departmental liaison on PLE, along the same lines as the Justice Assistance Network ( JAN ) which is chaired by the Ministry of Justice and promotes valuable inter-departmental co-ordination and mutual awareness of international pro bono projects.

## 8. The role of Law for Life

Law for Life is a leading organisation dedicated to PLE and was established following the work of the PLEAS task force under the auspices of the MOJ. The WG has **concluded** that the effective delivery of PLE by the various organisations and professional bodies should in the future be co-ordinated by Law for Life in addition to its current responsibilities. Any additional funding required to achieve this aim should be provided by the MOJ / DfE. The co-ordination by Law for Life should also include responsibility for the continued life of the WG as a permanent forum for all those involved to maintain contact and for the establishment of a PLE database.

## **Summary**

**PLE is not a “nice to have” option for our citizens. It is a statutory feature of the justice system and part of the Rule of Law which is acknowledged by Government as a cornerstone of society nationally and internationally.**

**The WG therefore recommends that the Attorney-General’s pro bono co-ordinating committee should accept the conclusions in this brief report and should use its facilitating role to support and encourage their implementation.**

## **Note**

**The members of the working group are grateful to the Attorney-General for establishing the group which has had the benefit of bringing together the PLE not for profit organisations, the pro bono providers, the professional bodies and their regulators, and representatives of the judiciary. The opportunity to come together to share knowledge, to deliberate and to liaise on such important matters of common interest has been extremely valuable.**

4<sup>th</sup> November 2013