

Legal Empowerment Conference

London 10th February 2010

Public Legal Education: Improving lives, empowering communities



Lord Bach gave a speech on how better information and education about the justice system can empower citizens to participate in a healthy democratic society.

Lord Bach, Parliamentary Under Secretary of State:

Many of you will know my commitment to those perennial destroyers of hopes and dreams, Leicester City. As the old joke goes, with City you lose some, you draw some. As a minister too – and especially as legal aid minister – there are moments when it would be easy to feel that things are not working as you want them to.

But I know too that being legal aid minister has some very great compensations. I am responsible for a massive amount of public money, dedicated squarely to helping people. That has led to millions of acts of assistance – over 1 million acts of legal help in 2008/09 and more in 2009/10.

I have set out my stall. I want to get the most we can out of civil legal aid. Because it is civil law, civil legal aid that can transform lives. Can get them back on track from a cat's cradle of the sort of legal problems which can bedevil any of us. But are especially difficult for vulnerable people. Debt, housing, welfare benefits, employment that make up social welfare law. And are even more so in straitened economic times when the risk to people is all the greater. Civil law – and particularly civil legal help funded by legal aid – can turn lives around and stop people from (Paul Simon's song) 'slip sliding away' and costing all of us much more in every sense.

I have done my level best to back it up; eligibility rise last year; maintaining budgets for next year. A couple of weeks ago I announced a package of support for South West London Law Centre. That's because we want to see the not-for-profit sector thrive – but thrive within the financial constraints we face and what this means for how we manage the legal aid fund. So our support – with the huge and generous help (across the whole field) of private sector colleagues – will keep it up and running. It will look in depth at how it found itself in difficulties. And use this to work out the right business model for other law centres across the country. In order to achieve the most from our civil legal aid we need to ensure that citizens are 'empowered' (the title of your conference today) and enabled to take control of their legal problems. That is why Public Legal Education (PLE) is so important. I would argue that PLE has come of age, as a concept. There has been a breakthrough in as much as the ideas behind it are accepted as valid and true by many across the whole justice system. Indeed government has taken it on board. We have ideas too, that hopefully can be put into practice; I am not naïve enough to think that government involvement (beyond funding) is always comfortable to those who have been in from the start.

First though; let's consider what people actually want from the law. In her book, 'Paths to Justice – what do people do and think about going to law', Professor Hazel Genn cuts to the chase towards the end of this marvellous book:

'When faced with a justiciable event most people simply want to solve the problem or obtain compensation for their harm or loss. The impulse for punishment, revenge, apologies, or altruistic solutions is far less important than the desire to be rid of the problem, free of the threat, or compensated for the loss. In finding pathways to solutions, members of the public want routes that are quick, cheap and relatively stress-free.'

In a crucial passage at the end of the book she says:

'The central dilemma in the Access to Justice argument is whether the objective of legal policy should be to enhance access to legal forums for the resolution of disputes, or whether it should be aimed at preventing problems and disputes from arising, equipping as many members of the public as possible to solve problems when they do arise without recourse to legal action, and diverting cases away from the courts into private dispute resolution forums.'

To complete that particular important paragraph:

'It is not an answer to say that they should be twin objectives of policy, because they logically conflict. The more that is done to enhance access to the courts, the less the public will be interested in wasting time in possibly fruitless self-help remedies or alternative dispute resolution processes.'

To quote Professor Genn,

'Greater understanding about the law and greater certainty about the enforcement of legal rights and obligations in the civil context might have an impact on the behaviour of those who evade their responsibilities and obligations when the opportunity exists and when the likelihood of sanction seems remote.'

These are powerful arguments are they not? They were when she wrote them back in 1999 and even more so today, more than powerful: they are in accord with reality, and have helped me along the path of becoming a true believer! Why?

Firstly, empowered citizens promote a healthy democracy, one inhabited by people who have the knowledge, skills and confidence to participate in society.

Secondly, empowered citizens would know to look for alternative, less confrontational and less expensive methods for resolving their problems before going to court. For example, in cases where relationships have broken down, mediation can be less acrimonious and is proving, I believe, to lead to better outcomes for all concerned, particularly children of a family – striking accord with the intentions of the government's Families and Relationships Green Paper (that we published last month).

Thirdly where going to court is the right route, citizens should be better informed and aware of their rights and responsibilities, leading to better outcomes for all involved.

The government has shown its interest, 1) on online advice and 2) dealing with young people. We are an increasingly digital society, confidently spearheaded by our younger generation. The proportion of people using the internet has increased from 10% to 65% over the past decade. It

therefore makes sense to explore how a major online information resource can empower people to resolve potential legal issues before they spiral out of control.

We have made, I think, a good start in the provision of information under the Government, Citizens and Rights and Crime and Justice franchises on Directgov. We feel we need to go one step further in transforming access to justice, drawing on innovative examples of public service delivery at home and abroad. The Smarter Government agenda, for one, demands it, placing an obligation on us to make this happen. Better public services are fundamental to the creation of a fair society with rising levels of social mobility and equal life chances for all.

In the youth arena Ministry of Justice has rolled out Your Justice Your World website – now in use across schools in England and Wales. So that the internet generation understand the justice system through the medium most familiar to them and designed following a great deal of consultation with young people and their teachers. And lay the foundations for their future as citizens getting access to the justice system as and when they need it.

The early signs are promising – the website received over 5,000 hits during the last quarter.

As part of Ministry of Justice's strategic aim to support and empower citizens to resolve problems and potential disputes at the earliest possible stage, we've been looking at what we can do. We have worked with a variety of stakeholders, looking at the ways we could provide an online resource to help people sort out their possible legal issues before they need formal professional advice and assistance.

I want this to be the first port of call for people who might have a legal problem. Or even those who want to know about a legal issue. The resource will help people diagnose their information need, help them find it and direct them to advice and support. And beyond the site I want advice provided in person, by telephone or through online chat. I want advice given to people in the way they need it.

The Ministry of Justice is also exploring how it can provide better, more targeted advice, guidance and support for young people – through the education system and directly – so they better understand their rights and responsibilities as our citizens of tomorrow.

So, as you can see, my department has an ambitious programme of work. If we get it right, the benefits have the potential to touch us all. Of course, we will only be successful if we work together, making best use of our collective experience, ideas and resources – particularly important in the challenging financial climate we operate in. The Ministry of Justice looks forward to working with you to demonstrate to others the value of Public Legal Education, through evaluating its impact, expanding its reach to new communities and raising awareness of the need for it amongst those who might not have considered the benefits of Public Legal Education work.

So government's support and involvement is more than important, it is crucial if PLE is to move forward. But it must not and cannot take the place of the work by Plenet [Public Legal Education Network] and others but in project terms, and in driving PLE forward.

This government has shown its commitment to PLE, even at a time of considerable constraints on public spending.

[Political content]

The very least that should be done is to seek a public promise that this policy will not change. It would be a tragedy if it did.

For me, this whole movement towards PLE – legal empowerment – is at the heart of the Access to Justice argument. How can people in a modern, free society access justice in a real way?