



A Vision for Public Legal Education and The Rule of Law:

A Joint Meeting of the All-Party Parliamentary Groups on The Rule of Law and Public Legal Education & Pro Bono

Date: 31 October 2018
Time: 0900-11:00
Location: Jubilee Room,
House of Commons

**BINGHAM
CENTRE FOR
THE
RULE
OF
LAW**



Please note: all comments made by any person at the meeting are to be treated as comments made in public. Attendees may report as they wish. Please use the hashtag #justiceweek18 when tweeting.

Meeting Aim

To provide MPs and Peers with an opportunity to discuss public legal education (PLE) and its contribution to the rule of law, ensuring that all citizens are empowered with legal capability.

Proposed Schedule

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| 09:00 – 09:05 | Alex Chalk MP (Chair) Introduction |
| 09:05 – 09:40 | Expert speakers (7 minutes each) |
| 09:40 – 10:00 | Questions and comment – MPs and Peers |
| 10:00 – 10:25 | Questions and comment – open to the floor |

Background

Numerous studies have concluded that a large proportion of the British public lack a functional level of 'legal capability'. This is defined as the knowledge, skills and confidence to resolve issues in their daily lives and is a crucial cornerstone of citizens' welfare.¹ By extension, a community of citizens possessing high legal capability can act with one another to effect positive change in their local, regional and national communities, making legal capability a prerequisite for active participation and democratic citizenship; a pillar of both **individual** and **community** justice.

In addition to the social impact, the literature shows a high economic cost of low legal capability with over 1 million civil justice problems unresolved annually as a result of poor legal capability, at a cost of £13 billion over the course of a three-and-a-half year period.²

Law for Life and others have shown that PLE can serve as a tool to counteract the deficit in legal capability in the UK.³ One type of PLE that assists all individuals to gain an elementary knowledge of the law is the requirement in the national curriculum for schools to teach 'Citizenship Education'. In addition to this, all schools in England must promote four 'Fundamental British Values', including the Rule of Law. These two requirements should ensure that all 11-16 year olds are provided with an introductory understanding of legal concepts at school. However, recent commissions led by members of the House of Lords illustrate that the provision of PLE is currently piecemeal.⁴ This is particularly unsatisfactory in a context of declining access to justice. This was followed by the 2018 conclusion of

¹ What Do We Know About Legal Empowerment? Mapping The Evidence. Goodwin and Maru (2017)

² Mounting Problems, Homelessness Prevention and Housing Associations- Contributing to Efficiency, Chartered Institute of Housing, April 2016; Professor Pascoe Pleasence at al. (2006) Causes of Action: Civil Law and Social Justice, Second Edition, LSRC Research Paper No 14.

³ Legal Capability, PLE Net, Martin Jones 2009

⁴ The Final Report of the Bach Commission on Access to Justice (2017) Chaired by Lord Bach; Final Report of the Low Commission on The Future of Advice and Legal Support (2014) Chaired by Lord Low.

a Select Committee that “the Government has allowed citizenship education [and by extension PLE] in England to degrade to a parlous state.”⁵

It is important to develop further intelligence concerning the extent of this decline. Organisations providing PLE frequently state that they require a sector-wide, in-depth analysis of the current status of PLE delivery across England. Despite the potential for PLE to improve outcomes for individuals in the justice system, very little research exists showing how well it is taught, or its actual contribution to the development of legal capability.

A vision and goals for PLE

The Bingham Centre has been working collaboratively with a number of organisations including LawWorks, Law for Life, Citizens Advice and Young Citizens under the auspices of **The Solicitor General’s Committee on PLE**. The Committee was established in 2018 to provide a forum for the Law Officers to work with organisations in the field to ensure a supportive policy environment that enables public legal education to flourish and to encourage initiatives which improve legal capability. This meeting signifies greater collaboration between PLE organisations and an opportunity to progress the PLE agenda. Members of the Committee are launching an agreed sector-wide vision for PLE in the UK. The vision is premised on the notion that legal capability should be spread throughout our society, and that the UK should be a country in which everyone, and every group, is able to identify and act on legal situations when they arise. The vision is supported by seven goals for PLE which we invite Parliamentarians to support.

This event is also part of [Justice Week](#), a five-day campaign led by the Bar Council, Law Society and Chartered Institute of Legal Executives to boost the profile of justice and the rule of law, helping to place them at the centre stage of public and political debate. The group hopes that in celebrating and appraising the transformative effect of PLE, civil society actors and the education sector will be better equipped to improve the legal capability of everyone in our society.

Recent proposals considering PLE

PLE has attracted significant attention over the course of this Parliament with a number of high-profile investigations noting its pivotal importance.

The House of Lords Ad Hoc Select Committee on Citizenship and Civic Engagement suggested that citizenship education [and PLE by extension] should become a statutory entitlement for primary school children so that all children throughout the school system are given a fundamental understanding of democracy, active participation and the rule of law.⁶

The Bach Commission concluded in its final report that PLE should be considered a core component of a broadened conception of access to justice. The Commission suggested that “there should be a new responsibility on OFSTED to assess in greater depth how well schools prepare children for the opportunities, responsibilities and experiences of later life. Government should also better support and facilitate the development of relationships between schools and organisations who are working to improve legal capability.”⁷

The Department for Education launched [a consultation](#) in July 2018 seeking views on draft regulations, statutory guidance and a regulatory impact

⁵ House of Lords, Select Committee on Citizenship and Civic Engagement Report of Session 2017–19 HL Paper 118, *The Ties that Bind: Citizenship and Civic Engagement in the 21st Century*, p43

⁶ *Ibid*, recommendation 9 para 123

⁷ *The Final Report of the Bach Commission*, Pg 42

assessment for a new basic curriculum subject called “Relationships and Sex Education and Health Education.” The consultation seeks to investigate whether the statutory guidance provides sufficient information and support to schools in teaching the subjects. Part of the new subject as proposed will include “what the law says about sex, relationships and young people”⁸ and other content of a legal nature, including:

- Legal rights of marriage and civil partnerships
- Criminal behaviour within relationships
- Laws relating to sexual consent, sexual exploitation, abuse, grooming, coercion, harassment and domestic abuse
- The law relating to the supply and possession of illegal substances

The creation of a new basic curriculum subject represents an opportunity for ensuring that all young people are provided with the skills, knowledge and confidence to resolve legal issues in their daily lives.

Application of The Bingham Rule of Law Principles

Lord Bingham’s pivotal book ‘The Rule of Law’ laid out eight hallmarks that he viewed as essential requirements for a free and fair society. Two of those principles are of key significance to PLE. The first is the notion that “*the law should be clear and so far as possible, intelligible*” and the second that “*means must be provided for resolving ... civil disputes which the parties themselves are unable to resolve*”.

The first principle is often read narrowly as a preference that laws should be designed in a way that can be understood. This principle can be reframed as a positively obligation on the state to encourage the development of the legal capability of its citizens through provision of legal information and PLE initiatives. It should be considered axiomatic that without the capability to understand when one is faced with a legal problem, access to justice is impossible because the person being deprived of their right or entitlement will not take appropriate action on the legal problem.

The second principle, access to justice, is typically said to require that those without the means to pay for legal representation should be provided with alternatives such as pro bono or publicly funded lawyers. Ipsos MORI has shown that where individuals are provided with interventions at an earlier stage in their experience of a legal problem, they are more likely to report a successful resolution of that problem.⁹

PLE initiatives in appropriate disputes can provide citizens with the legal skills necessary to overcome problems without the intervention of a lawyer. The Ministry of Justice has been piloting a number of initiatives that focus on transformation of the court estate, including use of online and virtual technologies to improve outcomes for those that interact with the courts and tribunals. It is only in a context where potential participants in the justice system are equipped sufficiently with the legal capability to interact with the evolving systems that the modern English legal system will provide just outcomes for such litigants.

⁸ Pg 23 of the consultation document

⁹ Ipsos MORI. (2017). ‘Analysis of the potential effects of early legal advice/intervention.’ Accessed 17/10/18. <https://www.lawsociety.org.uk/support-services/research-trends/documents/impact-of-early-legal-advice/>

Speakers' Biographies

Robert Buckland QC MP is the elected Member of Parliament for South Swindon and the Solicitor General. After twenty years in practice as a barrister he was appointed a Recorder of the Crown Court in 2009 and gained his Queen's Counsel status in 2010. In January 2013, Robert won the Grassroots Diplomat Policy Driver Award for his campaigning work on Special Educational Needs both locally and nationally.

Victoria Speed is the Joint Director of Pro Bono and Corporate Social Responsibility at BPP University. She manages the BPP Pro Bono Centre and is a trustee of Young Citizens. Victoria was a member of Sir Robin Knowles' Public Legal Education Task Group.

Amanda Finlay CBE is the Chair of Law for Life. She was formerly the senior civil servant in the Ministry of Justice responsible for legal aid and legal services strategy. She is currently a member of the Civil Justice Council, and the CJC Working Group on Self-Represented Litigants, a Council member of JUSTICE, a trustee of LawWorks and a public governor of Oxleas NHS Foundation Trust.

Michael Abiodun Olatokun FRSA is the Bingham Centre Research Fellow in Citizenship and The Rule of Law. He manages the Bingham Centre's 'Rule of Law for Citizenship Education' initiative, an England-wide programme that helps non-specialist teachers educate their students about, through and for the Rule of Law. Michael has also led national democratic participation drives that have registered thousands of first-time electors to vote.

Tom Franklin is the Chief Executive of Young Citizens, the principal provider of PLE to schoolchildren in the UK. Young Citizens enable children and young people to become active, engaged, motivated members of democratic society through a range of programmes delivered across the country. These include the Mock Trials, Go-Givers, Experts in Schools, Student Conferences and Young Citizens Passport initiatives.

Further Reading

- Watkins, D., Law, E., Barwick, J., & Kirk, E. (2018). ['Exploring Children's Understanding of Law In Their Everyday Lives.'](#) Legal Studies, 38(1), 59-78. doi:10.1017/lst.2017.8
- Bussicott, H., Williams, J. (2018) ['The 'Desert': Public Legal Education for Children and Young People in Wales.'](#) Children's Legal Centre Wales Research Paper No. 2018
- The House of Lords. (2018) Select Committee on Citizenship and Civic Engagement Report of Session 2017–19 HL Paper 118 ['The Ties that Bind: Citizenship and Civic Engagement in the 21st Century.'](#)
- Starkey, H. (2018). ['Fundamental British Values and Citizenship Education: Tensions Between National and Global Perspectives.'](#) Geografiska Annaler: Series B, Human Geography, 100(2), 149-162. doi:10.1080/04353684.2018.1434420
- Goodwin, L. and Maru, V. (2017). ['What Do We Know about Legal Empowerment? Mapping the Evidence.'](#) Hague Journal on the Rule of Law April 2017, Volume 9, Issue 1, pp 157–194
- Bach Commission and Fabian Society. (2017). ['The Right to Justice: The Final Report of the Bach Commission.'](#)
- Olatokun, M. (2017) ['Bingham Centre response to the Ad Hoc Select Committee on Citizenship and Civic Engagement.'](#)
- The Low Commission. (2014). ['Report of the Low Commission on the Future of Advice and Legal Support: Tackling the Advice Deficit.'](#)