



lawforlife

foundation for public legal education

1st floor, 50 Featherstone Street, London EC1Y 8RT

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Consultation response: Legal Services Board's Strategic and Business priorities 2012-15

Law for Life: the Foundation for Public Legal Education is an independent education charity founded in July 2011 that aims to equip ordinary people with an awareness and understanding of their rights together with the confidence and skills to assert them.

We provide learning and information about rights and the law, so that people can be empowered in their every-day lives. We do this through our website and by delivering community-based projects with disadvantaged groups. We also support other organisations to help their users make sense of the law.

We write with regard to the Consultation on the Legal Services Board's strategic priorities for the period 2012-15 and operational business plan for 2012/13.

We welcome the renewed emphasis on the needs of the consumer and the public brought about by the Legal Service Act 2007. In particular we note the importance of reinvigorating public legal education activities in order to achieve the following clear regulatory objectives set out in the Act:

- Protecting and promoting the public interest
- Supporting the constitutional principle of the rule of law
- Improving access to justice
- Increasing public understanding of citizen's legal rights and duties

The current evidence base in the UK suggests there are significant knowledge and skills gaps in the population with regard to specific legal issues and processes. Around two-thirds of those with civil justice problems do not know their rights.¹

A lack of knowledge of rights is related to:

- A reduced likelihood of obtaining advice
- An increase likelihood of trying and failing to obtain advice
- Higher rates of regret over actions

¹ Balmer. N. et al, *Knowledge, capability and the experience of rights problems*. (LSRC/Plenet 2010)

Moreover the ability to identify the legal dimensions of a problem or characterise it as legal has significant implications on the extent to which people access legal services².

Barriers to legal capability (the knowledge, skills and confidence needed to deal effectively with law-related issues) are not evenly spread across the population or across different legal problem categories. Vulnerable groups tend to be more disadvantaged, and public legal education is likely to be more necessary for some types of legal problems than others.

We therefore welcome the following strategic priority of the LSB: *Helping consumers to choose and use legal services with confidence.*

In order to meet the outcomes identified for the consumer and the public in the context of the legal services market; Law for Life makes the following recommendations and observations.

1. Increasing public understanding of citizen's legal rights and duties

We recommend the development of outcomes measures that directly address the statutory objective. Outcomes based on the notion of legal capability, the knowledge, skills and confidence needed to deal effectively with law-related issues, provide a direct route to the statutory objective set out in the Legal Services Act 2007. Law for Life has made headway in setting out these measures through its work with the University of Bristol³ and these measures should be developed further.

A segmentation approach should be considered to identify particular population groups and legal problems where low levels of legal capability have an increased impact on the power and knowledge imbalance between potential consumers and suppliers of legal services.

2. A higher proportion of people are able to access justice than in 2009, consumers are confident and empowered in their dealings with legal services

The need for independent sources of public legal education should be considered in order to effectively empower consumers in view of the knowledge and power imbalances that currently exist. These independent sources are vital to improving the confidence of consumers and their ability to gain redress in their dealings with legal services. Due consideration needs to be given to the potential conflict of interest that exists between suppliers and consumers with regard to ensuring adequate levels of knowledge, and the ability to gain redress if things go wrong.

² Pleasance. P. et al Horses for Courses? People's Characterisation of Justiciable Problems and the Use of Lawyers (LSRC 2010)

³ Collard. S. et al *Public Legal Education Evaluation Framework* (Plenet 2011) www.lawforlife.org.uk/evaluationframework.

3. Wider confidence in the law and the legal profession, and an efficient legal system delivering quality legal service at a reasonable cost

Promoting effectiveness and widening the scale of public legal education is intrinsic to improving public confidence in the legal system. Undue reliance on costly specialist services is mitigated by the development of information and self-help resources for the public to enable them to make effective choices in the context of the legal issues they encounter. We would encourage the LSB to promote the development of early intervention and preventive approaches. From the regulatory perspective it is important to note that there are few PLE providers and that good practice is under-developed. We would encourage an approach that seeks to support diversity and allows innovation to flourish.

Lisa Wintersteiger

Director, Policy and Research
Law for Life: the Foundation for Public Legal Education

Lisa.wintersteiger@lawforlife.org.uk
www.lawforlife.org.uk