

“Knowledge is power. Information is liberating. Education is the premise of progress, in every society, in every family.”¹

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In recent years, in England and Wales, we have seen an increasing number of challenges to access to justice. Most notably, was the passing of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 which significantly restricted the availability of legal aid to individuals across all areas of law including family, housing and employment as well as contributing to the closure of legal advice centres due to the resulting loss of income³. We have also experienced a large number of court closures⁴ and the introduction of fees in the Employment Tribunal- a forum that was previously free for those wishing to pursue a claim based upon the infringement of their employment rights.⁵ All of these measures, to name only a few, have impacted

¹ Kofi Annan, United Nations Press Release SG/SM/6268 23 June 1997

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³ Owen Bowcott, (2013) The Guardian available at <https://www.theguardian.com/law/2013/mar/11/legal-aid-cuts-shelter-offices> (Accessed: 25 September 2017)

⁴ Following Her Majesty’s Courts Service’s Court Estate Reform Programme (2010-2014) and Her Majesty’s Courts and Tribunals Service’s Estates Reform Project (2015-) which have resulted in 243 courts or tribunals being closed or scheduled for closure over this period -

<http://researchbriefings.files.parliament.uk/documents/CBP-7346/CBP-7346.pdf>

⁵ In July 2013 the Employment Tribunals and Employment Appeal Tribunal Fees Order 2013 (SI 2013/1893) introduced fees in the Employment Tribunal meaning that Claimants seeking to protect their employment and anti-discrimination rights were now required to pay fees in order to pursue a claim when previously this would have been free. In the first year following their introduction, there was a 78% reduction in claims (Review of the introduction of fees in the Employment Tribunals, Consultation on proposals for reform document (2017) accessed at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/587649/Review-of-introduction-of-fees-in-employment-tribunals.pdf) (accessed:25 September 2017). A significant reduction in claims continued before the fees were revoked in late July 2017 following the Supreme Court decision in R (on the application of UNISON) (Appellant) v Lord Chancellor (Respondent) [2017] UKSC 51. In this case the

upon the ability of individuals to access legal advice and the court system and has resulted in the creation of “advice deserts”⁶. For many, the process is increasingly unaffordable and “there are knowledge, skills and confidence gaps in the population”⁷ in relation to even the most basic legal information regarding rights and responsibilities “which are barriers to achieving legal capability”⁸.

More and more there is a significant level of unmet need in our society with no foreseeable prospect of improvement. It would be impossible for Universities or other education providers to fill this gap (and indeed many would agree that it is not appropriate in any event to try to do so) however there is certainly an important role that they can play to the benefit of their students and community alike.

Many universities in the UK offer pro bono advice and assistance to individuals⁹ via legal clinics. A report from LawWorks showed a 21% growth in pro bono legal clinics in their network and a 24% increase in enquiries to those clinics in the period April 2015-16¹⁰. Such clinics are a valuable resource to the community as well as affording students real experiences in which they can learn legal practice first hand.

Supreme Court concluded that the fees were unlawful (and indirectly discriminatory) and did effectively prevent access to justice.

⁶ Monidipa Fouzder (2016), The Law Society Gazette available at <https://www.lawgazette.co.uk/news/legal-aid-cuts-creating-new-advice-deserts/5054789.article> (Accessed: 25 September 2017).

⁷ Balmer, N.J., Buck, A., Patel, A, Denwir, C, Pleasence, P. (2010) ‘Knowledge, capability and the experience of rights problems’ Legal Services Research Centre/Plenet. Available online at: <http://lawforlife.org.uk/wp-content/uploads/2010/05/knowledge-capability-and-the-experience-of-rights-problems-lsrc-may-2010-255.pdf> (accessed:25 September 2017).

⁸ Ibid n.7

⁹ As well as individuals, many clinics offer advice to small businesses, social enterprises and charities.

¹⁰ 36% of clinics in the network are Law School clinics- LawWorks Clinic Network Report April 2015- March 2016 available at <https://www.lawworks.org.uk/solicitors-and-volunteers/resources/lawworks-clinics-network-report-april-2015-march-2016> (Accessed 25 September 2017).

In this jurisdiction, we have also seen a rise in public legal education (PLE) programmes, such as Streetlaw, being delivered by law students, academics and legal practitioners. These, grassroots level, programmes aim to educate individuals about legal rights and responsibilities. Programmes are targeted schools, prisons, charities and other community-based organisations. As with other forms of experiential learning, PLE provides an opportunity for students to develop their practical skills (such as communication and problem solving skills) whilst involved in authentic experiences. The primary objective of PLE is however to educate the public in order to “empower” individuals to achieve solutions¹¹ and promote “compl[iance] with obligations- in three words this is designed to encourage active citizenship”.¹² There are many excellent examples of effective PLE programmes in the UK and worldwide and we hope that this journal will harness and promote these activities. There is also credible evidence (anecdotally and, to a lesser extent, empirically) to suggest that those without access to legal advice or information are less likely to pursue legal action and enforce their rights and that such ignorance costs the state a considerable sum¹³. A recent example in practice can be drawn again from the introduction of Employment Tribunal fees. Far fewer Claimants applied for Help with Fees (a full or partial exemption to pay these fees) than was anticipated which was attributed in part

¹¹ McQuoid-Mason, D. (2008) ‘Street Law as a Clinical Program’, *Griffith Law Review*, 17:1, 27-51.

¹² Grimes, R. (2003) ‘Legal Literacy, community empowerment and law school- some lessons from a working model in the UK’, *The Law Teacher*, 37:3. 273-284.

¹³ Pleasence, P., Balmer, N., Patel, A. and Denwir, C (2009) Civil Justice in England and Wales 2009, Report of the 2006-9 English and Welsh Civil and Social Justice Survey. Available online at: <http://webarchive.nationalarchives.gov.uk/20110216140603/http://src.org.uk/publications/2010CSJSAnnualReport.pdf> (Accessed: 25 September 2017).

to a lack of awareness about the availability or eligibility requirements of the scheme. The correlation between education, awareness and action has also been found in other disciplines such as healthcare and nutrition. If indeed ‘knowledge is power’ the value and impact of providing education through PLE programmes is limitless however, in my view, this requires a greater evidence base.

There is some impetus to this in England and Wales as in the last 18 months we have seen an increasing focus on PLE from other interested parties. Notably, in a series of recommendations in the Civil Courts Structure Review: Final Report published in July 2016, Lord Justice Briggs called for “continued improvement in the provision in public legal education... following the lead given by the courts and voluntary agencies in California and British Columbia, as a joint activity by HMTCS and the voluntary agencies”.¹⁴ Also, in July 2017, Solicitor General Robert Buckland QC MP launched a new PLE panel to “enable public legal education to flourish and to encourage initiatives which improve legal capability”.¹⁵ Personally, and in our role as editors of this new journal, we await with interest further developments resulting from this.

Those of us involved in PLE are strong advocates. I hope that by sharing best practice and providing evidence of impact this journal will contribute positively to the empowerment story.

¹⁴ Available at <https://www.judiciary.gov.uk/wp-content/uploads/2016/07/civil-courts-structure-review-final-report-jul-16-final-1.pdf> (Accessed: 25 September 2017).

¹⁵ Attorney General’s Office (2017) available at <https://www.gov.uk/government/news/new-panel-launched-to-drive-legal-education> (Accessed: 25 September 2017).