

Children's Legal Centre Wales
Research Paper No.1 2018

The 'Desert':
Public Legal
Education for
Children and
Young People
in Wales

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This subject matter of this first Research Paper by the Children's Legal Centre Wales is fitting at a time when the Centre is piloting its first resources for Public Legal Education in Wales, including online information and a new Street Law programme.

The research was made possible with the generous support of the Legal Education Research Network (LERN). The authors would like to express their thanks to Professor Patricia Leighton for her encouragement and for the opportunity to present the findings at the LERN Research Showcasing Event at the Institute of Advanced Legal Studies in November 2017. We benefited greatly from learning from others at the Event and receiving comments on our preliminary findings.

We would like to thank also our colleagues in the Observatory on Children's Human Rights at Swansea and Bangor Universities, our community partners who helped with the focus groups and the children and young people who participated, contributing their unique and essential insights on their experience of law, on what they feel they need to know and on how they would like to access legal information and advice.

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1. The Issue and the Research Questions

It is a fundamental requisite of the rule of law that the law should be made known.

The individual must be able to know of his legal rights and obligations.

Mr. Justice Burton: *R (Salih and Rahmani) v Secretary of State for the Home Department* [2003] EWHC 2273 (Admin)

The need for advancement in public knowledge about the law is nowadays widely acknowledged. In the United Kingdom, a consultation and resultant recommendations by non-governmental actors (Advice Services Alliance, Citizenship Foundation and Legal Action Group 2004; 2005) led to Government support for the establishment in 2006 of the Public Legal Education and Support Task Force (PLEAS). The Task Force's report (PLEAS, 2007) in turn informed establishment of a UK Parliamentary All-Party Group linking Public Legal Education and Pro Bono. In 2014, a commission set up by the Legal Action Group and chaired by Lord Low, a member of the All-Party Group, considered the 'advice deficit' on social welfare support in England and Wales. The Low Commission recommended that

Public legal education should be given higher priority, both in the school alongside financial literacy, and in education for life, so that people know their rights and know where to go for help. (Low Commission, 2014: ix)

Despite some progress in England, demonstrated by university pro-bono projects and third sector organisations such as Law for Life, in Wales, anecdotal evidence gathered by the Children's Legal Centre prior to this research suggested that things had not improved, and may have got worse. Whilst seen as an 'advice desert' on key areas of social welfare law (BBC Wales, 2016), Wales appeared to have little provision of PLE. Most worryingly, there appeared to be a dearth of provision on the law as it applies in Wales which now frames administration of health and social care, education, housing, planning, transport and many other areas of central importance to people in Wales.

While these problems clearly affect people of all ages, children and young people, especially those who are marginalised, are at an additional disadvantage. English research has found that 'a significant number of young people have little or no knowledge about the working of the legal system, and what they do know has probably been learned from informal and inaccurate sources'. (Plenet and IARS, 2009: 12) Lack of legal knowledge and misunderstanding can only serve further to compound vulnerability.

In view of all this, and consistent with the mission of the Children's Legal Centre Wales to address the gap in legal information, advice and support for children and young people in Wales, a project was conceived which would:

- discover what PLE is currently available in Wales;
- investigate its scope, qualities and accessibility to children and young people;
- discover what children and young people want to enable them to access the law;

- help the Children's Legal Centre Wales, the Welsh law schools and others as appropriate to develop relevant, accessible and effective PLE for children and young people in Wales.

The research was developed around two key questions:

- How do Welsh Law Schools make the law accessible to the wider community, specifically children and young people?
- What do children and young people want to enable them to access the law?

2. Methods

The research objectives required a variety of research methods.

A literature review was carried out, encompassing what little has been written about PLE in Wales, together with sources on PLE elsewhere and literature about the Welsh context.

Investigation of PLE provision in university and other settings was done by internet searches and interviews with staff at the five Welsh law schools and other providers.

To discover children and young people's wishes about their access to the law, an online survey and a participative session were created, both aimed at ascertaining their preferences for what and how they would like to learn. The participative session was used with six focus groups in different locations in Wales, with children and young people from a variety of backgrounds.

3. Literature Review

As stated by Mr. Justice Burton in the quotation at the beginning of this report, it is 'a fundamental requisite of the rule of law' that individuals should be able to know their rights and obligations. Accordingly, legal education can be seen to be 'a key component of a holistic approach to legal services' (ASA, Citizenship Foundation and LAG, 2004: 2). Legal education in this context is thus not about what is taught by law lecturers in law schools to law students, but about what law is taught to the public. Broadly, 'Public Legal Education' refers to the process of educating the public, but there have been several attempts to define more precisely what it is and what it is for, to prescribe methods of delivery and to find ways of evaluating its impact.

Defining PLE

In the inaugural issue of the *International Journal of Public Legal Education*, published in November 2017, Morse defines PLE as 'an umbrella term we have adopted to cover the many activities carried out worldwide aimed at educating members of the public in relation to legal

rights and responsibilities'. (2017: 1) In some countries, including the USA and Canada, PLE fits within the wider remit of law-related or civics education in the form of legal literacy initiatives, community legal services and community legal education. Wintersteiger suggests that all PLE, however it is defined, has a 'preventive focus and seeks to avoid unnecessary legal disputes or escalating conflicts' (2016: 6) through proactive educational initiatives, as 'traditional legal and advice services fail to reach the vast majority of people who have legal problems'. (2016: 32)

The PLEAS Task Force (2007: 9) adopted the following working definition:

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 sort of advice is 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 Purposes of PLE

Increasing use of PLE worldwide is seen 'as a mechanism for meeting the legal needs of disadvantaged communities and securing access to justice.' (Wintersteiger, 2016: 8) In the UK, the Legal Services Act 2007 and Access to Justice Act 1999 emphasise that it is important for citizens to understand their rights and obligations under the law, but there is as yet no legal requirement for provision of PLE imposed on any person or body.

Grimes et. al. present PLE as a way of de-mystifying the law, and making it available to all. Historically, 'law was complicated and written in a language that made average people feel left out.' (Grimes et. al. 2010: 226) Law is complex and constantly evolving. Myths, sometimes reinforced by news reporting, aggravate misunderstanding. The 2010 and 2012 Civil and Social Justice Panel Surveys 'found a substantial knowledge deficit in the UK' – with '25% of people claiming to know their legal position ... 38% of people knowing some of their [domestic violence] rights ... and [below 40%] knowledge of employment rights and welfare entitlements'. (Wintersteiger, 2016: 14) Reflecting on these Survey findings, Wintersteiger (2016: 20) suggests that proactive legal education will reduce the number of individuals dealing with legal problems by giving the knowledge and skill to deal with a problem before it escalates. The purpose of PLE can thus be described as to improve citizens' 'legal capabilities' - 'what should we know and be able to do when faced with law related issues in everyday life'. (Collard *et al.* 2011: 1) In this view, PLE should go beyond knowledge of the law and legal systems and upskill people to engage with the law, enabling them to identify and deal with their own legal issues. PLE is thus seen as provision of the 'building blocks' to empower the citizen, rather than the process of creating legal experts.

A more expansive view of the purposes of PLE is offered by the Law Society of England and Wales in guidance aimed at law firms. (2016: 5) Whilst endorsing the definition of PLE by the

PLEAS Task Force (on which the Law Society was represented), the Law Society describes the 'importance' of PLE as fourfold. Firstly, PLE unlocks the demand for legal services through educating people to identify the legal problem and seek redress. Secondly, it allows for community engagement in the same way that successful campaigns to promote health and financial literacy have worked before. Thirdly, it helps to create empowered citizens who understand and value the rule of law. Fourthly, it expels concerns regarding who can study law and therefore widens the pool of talent to include more diverse applicants on to law courses.

In this wider view, PLE is of societal benefit beyond serving the legal needs of the individual. If greater knowledge stimulates demand for legal services, PLE helps the legal profession thrive. If greater knowledge encourages compliance with the law, it is good for law enforcement and the stability of society. If it leads to a better understanding of the constitution and the role of the courts, popular disenchantment with high-profile court rulings (exemplified in the notorious 'Enemies of the People' headline in the Daily Mail, November 2016) may be reduced. If greater knowledge encourages diversity in entry to the legal profession, it addresses long-standing criticism about the exclusivity of the legal profession and judiciary. PLE is thus seen as conducive to greater public confidence in the law, growth in legal business, a law-abiding society, community cohesion and citizenship.

PLE Delivery Methods and Activities

A founding principle of PLE is that delivery must present legal education and information in an accessible way to the intended community, taking into consideration 'the fact that people receive and understand information in a number of ways, something that may be determined by their level of education or even by their cultural or community background.' (ASA, Citizenship Foundation and LAG, 2004: 4) There is not a 'right' way to delivery PLE but one connecting factor is that it is accessible and fun – 'even the most complicated and mundane things can be made understandable and interesting'. (Mulqueen and Thorpe, 2015: 1) Much PLE literature emphasizes the term 'education' rather than 'information', implying that some form of interaction is necessary, whether critical or reflective, with the legal information.

Delivery methods are often context-dependent. The PLEAS Task Force identified examples including: campaigns, leaflets or packs, a training course, classroom teaching, a theatre production, a TV programme, a mentoring scheme and webistes. Parle suggests that PLE activities can be categorised in three types: provision of information; community-based approaches and self-help activities. (Plenet and IARS 2009: 12)

Content depends on the legal needs of the population concerned. Drawing on data from the The 2010 and 2012 Civil and Social Justice Panel Surveys, Pascoe Pleasance, Balmer and Denvir (2015) noted that problems concerning anti-social neighbours, consumer issues, employment and money were the most common amongst respondents. (2015: i) The Surveys also showed that vulnerable groups, such as those on a low income, the elderly, the young, those with less qualifications or with ill health, are all more likely to suffer with legal problems, highlighting the additional importance of ensuring that delivery and content are appropriate and accessible for the community concerned.

Impact

Evaluation of PLE is becoming increasingly important to illustrate impact and the effectiveness of a proactive rather than reactive approach to legal education. The Public Legal Education Framework, commissioned from the Personal Finance Research Centre at the University of Bristol and funded by the Ministry of Justice, aimed to promote robust evaluations of the impact of PLE interventions, establishing what works and why. (Collard *et al.* 2011:13) The Framework was tested by The Gilfillan Partnership in 2013 in a pilot study with three advice agencies which found strong improvement in the legal capabilities of individuals. It did however conclude that further, larger-scale and longitudinal research was needed.

PLE University Initiatives - Street Law

Street Law is a PLE programme in which law students act as 'a vehicle through which the public can be made aware of their rights and responsibilities'. (Grimes *et al.*, 2011: 225) Originating in Georgetown University Law Centre, Washington D.C. in 1972, the brand is protected, and the programme, materials and resources are supported, by the global non-profit organisation Street Law Inc. The programme or similar programmes can now be seen all over the world in what has been described as a 'social movement'. (O'Brien, 2017: 4) Its international success is evident in a growing literature, with one Malaysian article calling for Street Law to be 'a legal discipline in itself'. (Suhaimi and Zulkifli, 2012: 2)

In the UK, growth in Street Law-type activity can be traced to 1997 at the University of Derby where law students worked in urban schools to support young people through a realistic criminal case. Drawing on experience of the Derby pilot, Grimes' (2003) article, 'Legal literacy, community empowerment and law schools', introduced UK Law Schools to the programme. Grimes went on to establish a large-scale programme at the College of Law (now the University of Law). A search of websites of law schools in England and Wales carried out in January 2018 for this research revealed some 29 Street Law Projects in the 96 Law Schools in the UK, 9 of which allow participating students to gain credits towards their degree. A UK and Ireland Street Law Conference has been held for the last 2 years, providing further evidence of the rapid growth in interest amongst legal education providers and researchers. Arthurs *et al.* (2017) say that Street Law is the 'fastest growing and most popular type of legal clinic in the world'. (2017: 23)

Street Law's success can be attributed to a variety of factors. It is accessible and low-cost and can be used anywhere, with any audience and for any issue. The legal profession does not see it as a threat and it is considered an important experiential learning opportunity for future lawyers to learn practical lawyering skills and to address professional and ethical issues related to the law. Furthermore, it allows the law schools to support the community, identify unmet legal needs and respond to them, whether through direct engagement or by highlighting the issues in research outputs. Finally, students enjoy and value highly the Street Law experience, (Grimes *et al.* 2011: 239) sharpen their legal craft (including legal research, communication and client care), improve their interpersonal skills, gain confidence and

internalise ethics. (Suhaimi & Zulkifli, 2012: 3-4) They learn what Barry et al. referred to as 'social justice lawyering'. (2012: 401)

In England and Wales, revision of the Solicitor's Qualifying Examination emphasises practical experience and the 'potential new technology breakthroughs'. O'Brein, (2016: 7) suggests there are significant possibilities for harnessing Street Law to these ends. Grimes *et al.* (2011) provide an example in the College of Law's Street Law Plus Programme in England where following delivery of initial training, students provide hands-on clinical support by form-filling in areas such as social welfare benefits.

Another factor in Street Law's popularity is its ability to support school curriculum delivery. Citizenship education is compulsory at Key Stages 3 and 4 under the National Curriculum in England, (Department of Education: 2014: 82) and in Wales, the Donaldson Report on the reform of Welsh educational curriculum presents the development of 'ethical, informed citizens - understanding the consequences of actions that affect others and themselves and taking these into account in actions and decisions; understanding health, legal, political and ethical issues' as one of the four key purposes of the curriculum. (Donaldson, 2015: 46)

Street Law methods are 'grounded in research and exemplify best practices in teaching and learning at the intersection of civic education, learner-centred education, intensive teacher preparation, and community building'. (Arthurs *et al* 2017: 21) At the same time, Street Law is still a relative newcomer both in education of law students and in PLE. Arthurs *et al.* found researchers 'very aware of the importance of empirical proof of concept, especially when trying to gather support for a novel programme', and suggested that more needs to be done to demonstrate development of skills and professional identity in the students as well as the impact on the audience and community. (2017: 21)

One key area of current research on the impact of Street Law is its contribution to social action, especially when engaging with children and young people. Grimes *et al.* suggest that Street Law can 'bridge a gap between social action and justice education'. (2011: 229) He argues that as a 'politically neutral' initiative, Street Law has the power 'to encourage citizens, especially young adults and school children, to think about the type of legal system they would like for the future'. (Grimes *et al.*, 2011: 228) An example of this is the 'Space Colony' Camps in the South Africa during the apartheid era which brought young people of all racial backgrounds together to debate constitutional issues. Street Law Inc. has developed an entire programme of 14 lessons devoted to building a culture of rule of law in diverse societies.

This emphasis on the role of PLE in developing democratically engaged young citizens is echoed by Arthurs (2016) and Wintersteiger (2016). Arthurs states that 'to be educated means more than just an expanded consciousness and unrelenting curiosity; it requires embracing the responsibility that accompanies this awareness. Once awake and unsettled, the educated person has an obligation to act and bring about change'. (2016: 5) He argues that PLE, which he refers to as civics education, results in young people with the knowledge and skills for bringing about societal change - 'youth organising'. This not only improves current active citizenship but instils values and knowledge that results in future engaged citizens and 'strengthens our democracy by making it more inclusive and more responsive to the needs of all citizens'. (Arthurs, 2016: 8)

Other PLE Initiatives

Although much of the literature focuses on programme delivery through universities, other sectors are also involved in the delivery of PLE programs. The third sector and advice agencies deliver various education programmes specific to the area in which they work. For example, drug and alcohol support services often deliver sessions and distribute information about the right to support for people with substance abuse problems.

Law for Life's pilot study in 2013 supported advice and third sector partners in the delivery of PLE sessions. They found that the participating advice agencies 'consider that PLE is becoming increasingly essential to help ordinary people to cope as funding cuts reduce the availability of legal and general advice services'. (The Gilfillan Partnership, 2013: 4) Nonetheless, it was found that advice and third sector agencies need more support to ensure they gain the experience and confidence to continue to deliver the programmes. The PLEAS Task Force noted back in 2007 that the problem of short-term funding, which besets charitable and non-profit projects, was an obstacle to effective PLE, contributing to a picture of isolated and episodic schemes in which it is difficult to develop a learning community sharing good practice. (2007: 19)

PLE for children and young people

Children and young people are additionally vulnerable and additionally excluded from access to reliable and understandable information on the law. The problems were investigated in an exploratory study commissioned by the Public Legal Education Network, (Plenet and IARS, 2009) which noted that while some young people develop 'legal capabilities' through existing educational structures, '(m)arginalised young people, such as those out of education or employment, those from certain minority ethnic groups, offenders or those at risk of offending are less likely to receive help or want to engage with the system and what is available to the mainstream population'. (2009:3) This research, which drew on focus groups with young people in London and Liverpool, revealed young people feeling 'lost and helpless', experiencing 'difficulty managing the emotional effects and stress that law-related issues had on their lives'. (2009:9)

Bevan (2016: 4) found worrying evidence suggesting that 'lack of information or understanding was often a factor in adverse responses to the police or in poor decision-making around offending'. Bevan, 2016: 4 also notes the need for further research on the understanding children and young people have of the law and legal system. Research so far focuses predominately on children and young people's experiences and feelings rather than their understanding. (Barnes and Wilson, 2007: 215)

The 'legal capabilities' approach trialled by Parle for Plenet and IARS (2009) provides a significant step towards a framework for baseline assessment and subsequent measurement of

the impact of legal education on children and young people. Young people's responses to scenarios, discussions and interview questions together with observational evidence were analysed using the familiar 'knowledge, skills and attitudes' domains with sub-headings in each domain pertinent to the researcher's assessment of what is likely to improve legal capability. The pilot revealed the young people were significantly disadvantaged in all three domains, resulting in low legal capability. The report recommended that a UK-wide survey with a wider, demographically representative group should be carried out. (ibid: 9)

The same report made recommendations as to how PLE should develop to respond to the needs of children and young people, including systematic expansion of law-related education for all, plus targeted activities for marginalised children and young people which would need to be done in outreach work and via their 'trusted helpers'. PLEAS Report (2009: 9) The report urges further work to better inform and target PLE at the most needy groups at any given time. (2009:40)

The Welsh Context

In contrast to Scotland and Northern Ireland, Wales does not have its own system for the administration of justice. The judiciary and court system, legal professional regulation, police and prisons are for 'England and Wales'. However, since devolution in 1999, there have been significant administrative changes to cater for the distinct and ever-growing body of Welsh law and the distinct political, constitutional and cultural context of Wales.

There are many and ever-increasing differences between the law of 'England and Wales' as it applies in Wales and the law as it applies in England. This includes many laws affecting children and young people such as education and training, health and social care, childcare, special needs/additional learning needs provision, child protection, administration of the looked after children system, housing, homelessness, public transport and spatial planning. In addition, there are cross-cutting legal duties in Wales that do not exist elsewhere, including the duty on Welsh Ministers, when exercising any of their functions, and persons when exercising certain social services functions, to have 'due regard' to the requirements of the United Nations Convention on the Rights of the Child. (section 1, *Rights of Children and Young Persons (Wales) Measure 2011*; section 7, *Social Services and Well-being (Wales) Act 2014*)

However, the law as it applies in Wales is not always easy to find. This is due in part to the way in which Welsh laws have often been enacted by piecemeal amendment to other legislation having England and Wales or UK-wide extent. The problem was investigated by the Law Commission whose report *The Form and Accessibility of the Law Applicable in Wales* (2016) made recommendations for a sustained programme of consolidation and codification. The Welsh Government agreed in principle with most of the Law Commission's recommendations and a pilot project is underway to inform how this can be done. (Welsh Government Press Release, 13 December 2016)

In addition to differences in substantive law, Welsh legislation has created separate legal processes and structures. There are Welsh tribunals in diverse fields including valuation of land, rent assessment, mental health, special educational needs and the Welsh language. The Wales Act 2017 puts these Welsh tribunals on a statutory footing and provides for the

appointment of a 'President of the Welsh Tribunals'. The Welsh Government has powers to prosecute offences in the fields of animal welfare, food production, fisheries, social care, childcare and independent healthcare and the Counsel General has issued a 'Welsh Government Prosecution Code' to guide the exercise of these powers. (Welsh Government, 2018)

In the early days of Welsh devolution, members of the judiciary and legal profession in Wales recognised the need to bring together all 'legal constituencies' in Wales to meet the challenges and take up the opportunities of devolution and 'engage with the development of the new Welsh legal identity'. (Legal Wales Foundation, 2017) These 'legal constituencies' in Wales are of crucial importance in the development of PLE for Wales. The membership of the Legal Wales Foundation includes the judiciary, the Counsel General, the law schools, the legal services of the National Assembly for Wales and Welsh Government, the Courts and Tribunal Service, the Crown Prosecution Service, Wales and Chester Bar, the Law Society in Wales, Chartered Institute of Legal Executives and practising barristers and solicitors. The Foundation's annual conference has been the setting of many influential lectures and debates and provides a forum in which the nascent community of interest in Welsh PLE can engage with these key legal stakeholders.

Welsh Government has recognised the importance of the Welsh legal context for development of advice and information services in Wales. Following a review in 2013 of third sector advice providers, it has published an Advice and Information Action Plan, (Welsh Government, 2016) and has supported the establishment of the National Advice Network in Wales, comprising members from national and local government, professional and third sector bodies.

None of the Welsh devolution statutes to date (Government of Wales Acts 1998 and 2006; Wales Acts 2014 and 2017) has addressed the question of greater separation of Wales as a jurisdiction. Parliamentary debates during the passage of the 2017 Act saw the UK Government maintaining its position that the single jurisdiction of England and Wales continues to serve Wales well and should remain. In the 'Legal Wales' community, this position is not widely shared (for example: Jones and Williams, 2004; Jones, 2016; Geldards 2017; Thomas, 2015). The debate finds its latest expression in the establishment of the Commission on Justice in Wales, which began its work in the final weeks of 2017. Chaired by former Lord Chief Justice of England and Wales Lord Thomas of Cwmgiedd, the Commission is tasked by the First Minister of Wales to:

Review the operation of the justice system in Wales and set a long term vision for the future, with a view to:

- *promoting better outcomes in terms of access to justice, reducing crime and promoting rehabilitation;*
- *ensuring that the jurisdictional arrangements and legal education address and reflect the role of justice in the governance and prosperity of Wales as well as distinct issues that arise in Wales;*

- *promoting the strength and sustainability of the Welsh legal services sector and maximising its contribution to the prosperity of Wales.* (WG Press Release, 20 November 2017)

Clearly, the work of this Commission will be of great importance for the development of PLE in Wales. Content and delivery of PLE must properly reflect the continuous evolution of Welsh devolution and the associated transitions, in which the law, lawyers and legal systems have a pivotal role.

4. Research Findings

Research Question 1: How do Welsh Law Schools make the law accessible to the wider community, specifically children and young people?

The Law Schools

There are five law schools in Wales, situated at Aberystwyth, Bangor, Cardiff, Pontypridd and Swansea.

Desk-based research and meetings with staff at each of the five Welsh law schools revealed that all had some form of experiential legal education or 'Clinic' involving public-facing legal advice and assistance services. Examples were Aberystwyth's 'Veterans' Legal Links' Project and Cardiff's 'Law in Sport', each of which works in close collaboration with a key stakeholder organisation. All the law schools also offered opportunities for students to take part in Mooting.

At the time of the research, none of the law schools offered accredited opportunities to students to take part in PLE. Bangor Law School offered the only Street Law Project but this was a student-led project, and although highly acclaimed by students and staff, was dependent on the volunteer students. From 2017 – 18, the Hillary Rodham Clinton School of Law at Swansea University is offering four new experiential credit-bearing modules focused either on PLE (Street Law) or Pro Bono advice and assistance (Clinical Legal Education and Miscarriage of Justice) or on effective methods of engaging in participative work with children (Research with Children).

Hillary Rodham Clinton Law School of Law emerged as the only law school in Wales where there is a specific focus on legal needs of children and young people. This is associated with the Observatory on Children's Human Rights and the Children's Legal Centre. The Observatory engages with external partners and with children and young people to do research, human rights monitoring and reporting, policy advocacy and to promote the embedding of rights in organisations. The Children's Legal Centre's focus is on public-facing, Wales-wide provision of legal advice, information, education and representation for children and young people.

In meetings with staff for the purposes of the research, and in subsequent communications, it became clear that there was and is appetite in all the Welsh law schools to develop more PLE. This was seen both as part of the law schools' offering of a rounded, relevant student

experience and as a means of responding to community needs. Since the research was conducted, new projects have developed, for example a collaboration between three of the law schools to offer 'Street Law' sessions for applicants appearing in person before the Employment Tribunal in Cardiff, and a Swansea-based project to offer a 'help-desk' for litigants in person at the local Civil Justice Centre.

A summary of findings about PLE activity in the Welsh law schools is at Appendix 1.

Third sector providers

Collaboration with civil society and third sector partners, as well as administration of justice agencies, is a hallmark of the nascent initiatives in Wales. However we noted that several third sector initiatives by 'England and Wales' or 'UK' organisations based in England, either did not attempt to operate in Wales or, if they did, struggled fully to engage with the different law, policy and practice contexts including Welsh language needs and cross-cutting legal requirements. This issue begs further investigation aimed at a strategic response by Wales-based stakeholders in all relevant sectors: the Welsh context demands a Wales-focused framework including for baseline assessment and evaluation.

PLE provision in Wales other than that provided by the Welsh universities is summarised in Appendix 2.

Research Question 2: What do children and young people want to enable them to access the law?

The online survey produced a total of 86 responses by children and young people from 9 counties in Wales, 8 of which were in the south or west. This is a small return on which limited reliance can be placed, and it is regrettable that it was geographically unbalanced. That said, it adds to the collection of evidence from other small studies elsewhere in the UK, cumulatively presenting a picture of under-developed legal capacities amongst the young.

Focus group sessions involved a total of 31 young participants, ranging in age from 11 to 25. Sessions were held in north, mid-west, south-west and south-east Wales. Groups were accessed via partner agencies, some of which worked with relatively rights-literate youth (for example in a local youth forum) and others with young people suffering or at risk of social exclusion.

The online survey questions are at Appendix 3 and the Focus Group Session structure is at Appendix 4.

'How the law affects me'

There was a higher than expected recognition amongst the children and young people that their lives are routinely affected by the law. Just under half thought the law affected them 'every day', and only 7% thought the law had no impact on their lives. In focus groups, the areas of law identified by participants as most likely to affect themselves were:

- Legal age restrictions (consent to sex, getting married, living independently, video games, leaving school, joining the army, buying a pet)

- Working regulations (notably a concern for Gypsy Traveller young people)
- Education laws (compulsory schooling, leaving school, discipline, free education, being home-schooled)
- Children's rights (learning about the UNCRC, making their own choices)
- Voting age
- Smoking and drinking
- Internet (especially You Tube and social media).

Although these were the most frequently mentioned, the total range of issues correctly identified by focus groups participants as 'legal' was much wider, including: funding and support for care leavers (specific issues being multiple addresses affecting mortgage eligibility/ credit rating/ DBS etc.); freedom of speech; freedom of belief, driving laws (specifically concerns about use of phone while driving), gambling laws, illegal substances, violence, abuse, death, robbing, identity theft, financial laws (including taxes, benefits, child care costs, care leavers benefits), family law (divorce, adoption, family contact, parental responsibility, housing laws, going on a [care] plan, health and safety (food), being arrested, discrimination laws (racism, stigma of being a looked after young person), health services (consent issues for looked after children, health awareness), immigration laws (asylum laws, studying abroad), environmental laws and safeguarding (kidnapping).

In focus group discussions, a strong association by the children and young people was noted between any legal issue and the police or being 'in trouble'. They were much less aware of civil remedies and administrative processes for redress. This is interesting when considered in light of the type of issues on which survey respondents and focus group participants reported having had need of legal advice. Of the 42% of survey respondents who reported having needed legal advice, 20% said it was in relation to family law, 5% in relation to being looked after, 5% in relation to bullying, 2% in relation to education and 2% in relation to additional support. Discussion in the focus groups similarly centred on support needs and entitlements, the need for protection from others and being unfairly treated, whether as children or as members of a minority. Thus on the face of it, most 'legal needs' were in the civil sphere, yet when they thought of 'the law' as a process, they thought of criminal rather than civil justice.

What children and young people need to know

A large majority of survey respondents – 76% - thought that children and young people were not given enough opportunities to learn about the law. 74% said the best place to learn about the law would be in school, compared to 28% for the internet and 25% for extra-curricular setting such as youth clubs. Interestingly, in light of increasing official and research interest in IT-based solutions to just about everything, 67% said the best way to learn about the law would be in physically face to face, interactive workshops, compared to 35% favouring videos on YouTube and 18% for podcasts. The focus groups similarly favoured interactive workshops in the community, together with talks on interesting areas of law, and identified schools as having central importance both in helping develop the skills to engage in distance-learning and as a place in which to learn face to face.

Paradoxically (perhaps), when asked where they would turn for legal advice, the majority (53%) said the internet, with 31% saying they would talk to a parent or carer, 28% saying they would ask at school and 19% saying they would call a helpline.

Unsurprisingly, in view of our findings about the prevalence of PLE for children and young people in Wales, 67% of survey respondents had not heard of any PLE initiatives in the UK. 18% had however heard of Street Law, and 11% had heard of Lawyers in Schools.

Ways to learn

Survey respondents and focus group participants identified a multitude of ways in which children and young people could learn about the law. In focus groups, this was one of the activities engaged in with most enthusiasm. Ideas included:

Activities: Role play with costumes and objects where you can choose your own ending; Make a game; Debates around key questions such as the voting age or the length of school day (the latter linked to UNCRC requirements and employment law requirements); Making videos; Making 'story boards'.

Modes of communication:

- Paper-based: Posters; Pictures; Books; Newsletters.
- Web-based: Website/apps/social media/ videos/podcasts/e-bulletins/blogs with different formats so that everyone can understand them no matter what their ability (use online tools like Kahoot, Quizlet and Quizdom to make interactive lessons and quizzes); YouTube videos that answer specific questions.

School (curriculum-based): Teach in school during PSE lessons; Young people need to be taught about the law before being able to give their opinions/ vote in the future; Use legal and political examples and ethical cases; Teach 'Government and Politics' classes as a compulsory subject in school; Talks in schools from visitors/professionals such as lawyers/police/youth justice staff; Whole-school, Key Stage or Year Group Assemblies.

School (extra-curricular): Afterschool clubs; Training teachers.

Community based: Workshops and talks for the public; Workshops in community groups and youth clubs e.g. Scouts and Brownies; Deliver interactive workshops that young people can attend in their local universities and for harder to reach groups who might not be able to/want to attend (BME/gypsy travellers/LGBT+/ religious groups) take the workshop to them instead and make it specific to what they need.

General: accessibility: Use comic sans font and yellow backgrounds because they are dyslexic friendly.

This array of suggestions offered by the children and young people serves well to illustrate two abiding themes in these and other engagements with children and young people in Wales post-devolution. These themes are first, that children and young people's consistently state their desire to be involved in finding solutions to issues affecting themselves and their communities; and second, there is repeated and manifest evidence of their ability, given time, space and facility, to contribute good, practical ideas that could be taken forward co-productively.

Last word

The final finding from the survey chimes similarly with these two themes. The highest majority response to any of the questions – 78% - was in favour of greater involvement of children and young people in the development of future laws.

5. Discussion

As with all research, this study has its limitations. The small number of survey responses and focus group participants has already been mentioned. Focus groups facilitated on university campuses in Bangor and Swansea proved less successful due to problems some potential participants encountered with transport and availability of support staff to accompany them. Learning from this, subsequent sessions were located in community settings where participants attended regularly, and this approach will be taken in future engagements wherever practicable. Additionally, consideration might be given to offering greater incentives than simply a learning opportunity and the usual 'freebie' merchandise. Intelligence on existing PLE activity was gathered via interviews using the Snowballing method, with inherent risk of having not accessed all relevant sources of information. Another issue, noted also in the Gilfillan Partnership's research (2013) is the 'snap-shot' nature of the research. Longitudinal research and controlled pilot studies are needed in future to assess the impact of the PLE activity that is emerging in Wales, including, if not necessarily limited to, studies involving children and young people.

The limited number of children and young people who were research participants in this research is however compensated to some extent when the findings are combined with information from other Wales-based participative projects. These include several projects over the last decade, some of which were child or youth-led. They include research for the purposes of reporting to the UN Committee on the Rights of the Child. (Funky Dragon, 2007a; 2007b; Little Voices Shouting Out, 2015; 2018; FUNC+, 2015; Participate!, 2016; Wales UNCRC Monitoring Group, 2015; Children's Commissioner for Wales, 2015; Young Wales, 2015) Other consultations have been conducted or commissioned by the Children's Commissioner for Wales, Welsh Government and the National Assembly for Wales (for example: What Next? 2015; Votes@16, 2016. Some 70 local child-led research projects have been conducted since 2014 by the Observatory's Little Voices project alone (Little Voices, 2018, forthcoming). And there are examples of youth-led research targeted at reform in specific areas such as mental health, such as Hafal's *Making Sense* report (2015). Cumulatively these sources provide further evidence of children and young people's concerns and recommendations for change, albeit not framed explicitly in terms of their legal needs. A systematic analysis of this cumulative evidence was beyond the scope of this research, but even a cursory reading of their headlines reveals consistency about some of the 'top' issues revealed here, for example concerns about the environment (their own immediate

environment, their communities, amenities, litter and mess, smoking, pollution), internet safety, schools curricula and school policies, fears about personal safety, personal autonomy issues, the desire to be better informed and more involved, and many issues in health and education.

During the course of the research, it has become evident that the picture of PLE in Wales is moving under various influences. We have noted the rapid growth of interest in Street Law in the law schools in the UK and Ireland and the recent emergence of new PLE projects in Wales. Whilst the law schools must respond to demands for more skills-based and practice-oriented law degrees, the Research Excellence Framework pulls in a complementary direction by placing ever more emphasis on impact and public engagement. This direction of travel surely makes it reasonable to envisage PLE becoming embedded in law schools' teaching programmes and in consequence, greater collaboration developing between the law schools and third sector organisations. It will not simply 'happen', but there is at the least an opportunity here to establish PLE as something which the law schools and law students routinely do, which the legal profession routinely supports, with which third sector partners routinely engage and to which citizens, including children and young people, can turn with confidence.

An additional contextual factor in Wales is the Welsh Government's ongoing programme of reform of schools curricula (Welsh Government, 2015) and its drive to improve teaching standards via reforms to initial teaching qualifications (for example, Welsh Government, 2017) Research participants in this study, like much of the existing PLE literature, emphasise the importance of schools in meeting children and young people's needs for legal education.

We noted in the literature review the complex and evolutionary issues arising from the Welsh context of PLE. It is self-evident that PLE in Wales must take full and accurate account of the changing constitutional landscape and of Wales-only laws and processes. It is much to be hoped that the development of PLE will become a focus of interest for the 'Legal Wales' community, linking with the Welsh Government-supported initiatives on advice and information and the growing community of interest in the Welsh law schools to facilitate a 'made in Wales', collaborative and strategic approach to PLE.

This study has produced further evidence that children and young people, in common with the general public, have misconceptions about the legal system and low levels of legal knowledge, combined however with higher levels of appreciation that law is important and affects their daily lives. The association by many research participants of 'the law' mainly or exclusively with 'the police' is concerning and suggests that PLE programmes should include information about civil and criminal process and avenues of redress as well as the substance of the law.

As noted, the study did not set out to evaluate quality or impact of PLE in Wales, but this is something that should be done. In this regard, the low level of activity discovered during the research may be seen as an advantage, especially when coupled with the current growth of interest in developing PLE and the emergence of several new Welsh projects. Now is an ideal opportunity to conduct a baseline study of legal capabilities of Wales' children and young people, against which the efficacy of these efforts may be measured over time.

6. Conclusions and Recommendations

More than a decade since the publication of the report of the PLEAS Task Force, its reflections that PLE lacks a 'coherent identity', that 'neither thinking nor practice in PLE has been brought together in a coherent concept, sector or body of work that makes PLE easily recognisable, understood or valued' and that 'mechanisms that would allow providers to learn from each other simply do not exist'. (2007:19) might well be said about PLE in Wales today. Yet there are signs of recognition of the issues, with new projects emerging and a policy context which, whilst complex, is in many ways conducive to progress. Furthermore, our literature review found a rich array of national and international resources and the growth of PLE as an international research area.

We found the provision of PLE in Wales patchy, inconsistent and lacking in focus on the Welsh context. Whilst the Welsh law schools do not and never could provide legal information and education sufficient to satisfy unmet need in Wales, we found an informal consensus that they could do more and that their contribution could be significant not just as providers of public-facing services, but as trainers of community and client-focused lawyers and as repositories of research evidence and learning to inform the planning and delivery of PLE.

It will be important to establish systematic methods of evaluation. A good conceptual foundation has been laid down in the 'legal capabilities' approach. Building legal capabilities of children and young people could become a normal part of the education offered in schools and colleges. This would be consistent with the aims of the *Successful Futures* agenda on Welsh schools curricula. Work would need to be done to develop the curriculum content, delivery methods and assessment framework for Wales, taking full account of devolved laws, law-making and administration.

Finally, for all its potential benefits, we agree with those who emphasise that PLE is not an alternative to adequate access by citizens of any age to legal advice and representation. PLE and accessible legal services should go hand in hand, so that PLE helps equip people to access the law, the legal professions and the legal system, and helps lawyers respond effectively to their clients' needs.

In conclusion, the key message from this research was that Welsh law schools provide little legal information or education that meets external societal need, including the needs of children and young people, but that there is appetite amongst those who engage in occasional, small-scale and localised projects to develop a Welsh approach to PLE, learning from national and international examples but sensitive also to the Welsh legal context.

We offer the following recommendations:

1. Interested parties in all sectors in Wales should come together to develop a Welsh approach to PLE, to encourage operational partnerships and to engage with PLE providers elsewhere in the UK and the world. The Welsh approach should include development of a specifically Wales-focused framework for baseline assessment and evaluation.
2. Further, larger-scale and longitudinal research should be carried out to improve understanding of the impact of PLE in Wales on participants (including children and young people, other members of the public, law students, researchers, the legal profession and others as applicable).
3. Street Law programmes and other types of PLE in Wales should be rooted in understanding of and should accurately reflect the Welsh constitution, Welsh laws, Welsh institutions, the Welsh policy environment and the importance of Welsh language and culture. Programmes designed for English audiences should not be simply 'rolled out' in Wales.
4. Consideration should be given to including more legal education in schools curricula in Wales. Children and young people should be involved, and evidence about their experiences, views and preferences should be taken into account when devising curricular requirements and delivery methods, as well as extra-curricular opportunities.
5. Public sector bodies including local authorities and health boards should consider how they can develop PLE provision relevant to their staff and service users.

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Appendix 1 PLE etc. Provision in Wales

University	PLE	Other community-facing services
Aberystwyth		National Veteran Legal Link Local Family Clinic: monthly free legal advice and case support
Bangor	Street Law (student-led)	
Cardiff		Law in Healthcare: funding issues Law in Justice: miscarriage of justice project Law in Sport: free legal advice to Welsh rugby clubs Law in Court: assistance for litigants in person at the Cardiff Civil Justice Centre Law in Mental Health: training to act as appropriate adults for vulnerable adults in police custody All the above are student volunteer projects supported by staff
Swansea	Street Law credit-bearing module from 2017/2018 Street Law sessions for litigants in person at the employment Tribunal:	Swansea Law Clinic: free initial legal advice sessions as part of students’ work in the Clinical Legal Education credit-bearing module from 2017/18

	student volunteers supported by staff	Miscarriage of Justice: case work support as part of students' work in the Miscarriage of Justice credit-bearing module. Further support offered by a student volunteer project supported by staff Children's Legal Centre: information, education, advice and access to representation for children and young people
University of South Wales		Legal and Financial Advice Clinic: free advice service with student volunteers supported by staff

Appendix 2 Other PLE Provision in Wales

Project	Provider	Scope	Wales provision	Website
Lawyers in Schools	Citizenship Foundation (founded 1989 with support from the Law Society of England and Wales)	80 per cent of UK secondary schools have taken part in a Citizenship Foundation programme or used their resources Solicitors, barristers and judges volunteer time to deliver sessions in schools.	A Welsh Officer dedicated to providing services to Wales from 2016 (funding from the Legal Education Foundation).	www.lawyersinschools.org.uk
Citizen's Passport – Your Guide to the Law (16th edition)	Citizenship Foundation	Over 2 million young people have received a copy of the Citizen's Passport.	Welsh version of the Citizen's Passport under consideration	http://www.citizenshipfoundation.org.uk/main/resource.php?s418
SmartLaw	Citizenship Foundation	App for iPhone and Android connecting law with popular culture, news and everyday legal situations. Developed by law students, solicitors and barristers.	No specifically Wales-focused version.	https://smartlaw.org.uk/

Advice Now	Law for Life	Web-based information service on law and rights Community education projects on housing, welfare, consumer and employment issues	No specifically Wales-focused information	http://www.advicenow.org.uk/

Appendix 3

Youth Consultation for Public Legal Education (Wales) Research

Session Duration: 1 ½ Hours

Participant Criteria: Children and young people (aged 11-18)

Number of Participants: Maximum 15 per group

Researcher: Hannah Bussicott (plus one support Researcher)

Aim of Session: Inform the development of PLE in Wales with particular reference to children and young people (7 – 24), taking account of post-devolution law and policy. The objectives are a. to discover and map what PLE is currently available in Wales; b. to investigate its scope, quality and accessibility to children and young people; c. to discover what children and young people want to enable them to access the law; d. to help the Children's Legal Centre, the Welsh law schools and others as appropriate to develop relevant, accessible and effective PLE for children and young people.

Session Outline:

Timings	Activity	Resources
10 min	Ice breaker – "2 truths and a lie"	

10 min	Opinion Line (Agree / Disagree) – 1.The Law affects me every day 2.I know enough about the law 3.Children/young people are given enough opportunities to learn about the law 4.I want the opportunity to be involved in the development of new laws and policy that will effect my future	
10 min	Group Brainstorm – What areas of the law affect you as a young person?	
5 min	Video – How the law affects young people??	
10 min	Answer the following questions using Plicker: 1.In the future, where would be the best place to learn about the the law? <i>School</i> <i>Youth Clubs/Extra Curricular</i> <i>Internet App</i> <i>Other ...</i> 2.What do you think would be the best method to teach children and young people about the law? Interactive workshops Videos Podcasts Fact Sheets e-bulletins Other	
20 min	Group Activity – Think of one interesting way children and young people could learn about the law? Feedback to the group	A1 Paper and pens
15 min	Game: Legal Age to ...	Game Cards
10 min	Session Evaluation and Signposting	

Nb. Throughout the session there will be a question board and all participants will be given post-its at the beginning and encouraged throughout to put up questions relating to the law.

Appendix 4

Young Person Questionnaire

Tell us about you ...

Age:

Gender:

Ethnicity:

Disability:

Area:

1. Please tick one of the below setatements

- The law affects me every day*
- Sometimes my life is affected by the law*
- The law rarely affects my life*
- The law has no impact on my life whats so ever*

2. Have you ever had a problem that needed legal advice?

Yes

No

If yes, what was the issue in realtion to?

*Education
Bullying*

*Family
Additional Support*

*Being looked after
Other ...*

3. Where would you or have you accessed legal advice?

Internet

School

App

Phone

Parent/Carer/Guardian

Visit on Information Centre

4. On a scale of 1 – 10 where would you rate your knowledge on the law?

1

2

3

4

5

6

7

8

9

10

5. At the moment, do you feel that children are given enough opportunities to learn about the law?

Yes

No

6. In the future, where would be the best place to learn about the the law?

School *Youth Clubs/Extra Curricular*
Internet App *Other ...*

7. What do you think would be the best method to teach children and young people about the law?

Interactive workshops *Videos Podcasts*
Fact Sheets *e-bulletins* *Other*

8. Please tick if you have heard about any of the following Initiatives?

- StreetLaw*
- Lawforlife*
- Young Persons Passport (Citizenships Foundation)*
- SmartLaw*
- Mock Trail*
- Lawyers in Schools*

9. Would you want the opportunity to be involved in the development of new laws and policy that will effect your future?

Yes *No*

10. Would you be interested in taking part in something to learn more about the law?

Yes *No*

*Thank you for taking the time to complete our questionnaire!
This questionnaire also comes in the format of a workshop so please contact
Hannah Bussicott for further information on delivery or if you have a group
interested in taking part in the research.*

Email: h.j.bussicott@swansea.ac.uk Telephone: 01792 295399

**Children's
Legal
Centre
Canolfan
Gyfreithiol
y Plant**

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