

# Plain English

The magazine of Plain English Campaign - Issue 43 (January 2000)

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# Plain English 2 Legal jargon 0

## We did it once, and it looks like we're going to do it again!

The Lord Chancellor's Department has announced plans to banish legal jargon and outdated Latin from one of their last hiding places in England and Wales - the criminal courts.

Lord Justice Auld will head a wide-ranging review of the criminal courts, to include the legal phrases which so often baffle ordinary people. After the success of this year's Woolf reforms which dealt with the civil courts, legal experts believe this new review will see plain English win another victory.

The review comes as Plain English Campaign announces that its supporters have given a 'thumbs up' to the new style of legal language in the civil courts.

The Campaign asked volunteers to spend an hour in local civil courts to see if the reforms made the law truly easy to understand. Virtually every reply said that lawyers were following the new guidelines on the new plain-English terms. Just as encouragingly, responses from the legal profession said the changes had inspired a change in attitudes. Lawyers are now following the spirit as well as the letter of the reforms.

Chrissie Maher, founder-director of Plain English Campaign, was delighted at the news of the criminal-court review.

'This really was the best Christmas present we could have. We can only offer our full support and backing, and would be pleased to give Lord Auld any help we can.'

## Language on Trial

The Plain English Guide to Legal Writing



Our 1996 book predicted doom for legalese

'As happy as I was the day the Woolf reforms took effect, it was a story this autumn that convinced me it was for real. A young trainee barrister we know started his course and right at the start of his textbook was a crystal-clear explanation of why plain English is usually more appropriate than legal jargon. We could be just a generation away from a country full of plain-English lawyers.'

'Between the Woolf reforms and the new review by Lord Auld, I truly believe we can take the courts out of the 19th century and straight into the 21st!'

## Dermot dishes the prizes - and the Golden Bulls



### We ended the 20th century in style with our biggest-ever awards ceremony.

A standing-room-only crowd at Westminster's Queen Elizabeth II Conference Centre saw ITN's nightly newsreader, Dermot Murnaghan, present the trophies.

Deputy Prime Minister John Prescott took most of the publicity for his Golden Bull prize, but this year's list of more-coveted honours was the longest in our 20-year history.

See pages 3 to 6 for full coverage and pictures.

## News in brief

A plain-English leaflet carrying the Crystal Mark has also earned an award from the British Medical Association.

'When should I call the doctor?' by the North Yorkshire Health Authority, won an award for patient information. The leaflet, which beat around 150 entries, was judged on design, accessibility, accuracy and suitability for its audience.

The Inland Revenue has welcomed Plain English Campaign's support for its project to rewrite tax law. Their latest report describes our backing as 'positive and encouraging'.

The project aims to redraft existing tax laws to make the system simpler. In a letter to the project's staff, Chrissie Maher said about the project '...those who deal directly with legislation can understand accurately what the law means, reducing disputes over interpretation, and benefiting everyone affected by the tax system.'

Plain English has proved a winner for Abbey National. Sales of Abbey's flexible pension plan doubled in the three months after it launched new crystal-clear literature.

The launch was accompanied by Abbey's decision to give away copies of our 'Pensions in Plain English' leaflet in every branch.

Crystal-clear benefit forms and leaflets have helped five councils achieve a new benchmark for benefit administration.

The Beacon scheme recognises councils which provide excellent service in a range of categories.

The five winners in the benefits category:

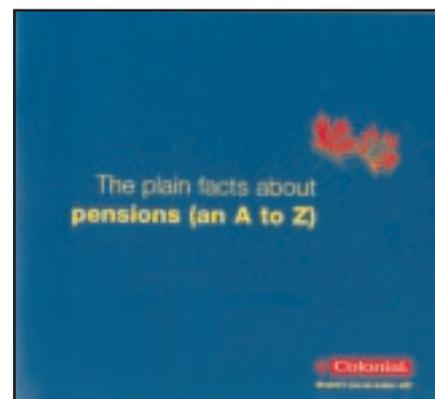
- London Borough of Camden;
- Exeter City Council;
- London Borough of Harrow;
- Leeds City Council; and
- New Forest District Council;

have all earned Crystal Marks for the documents that help people apply for benefits.

# Pensions wafflers brought to book

Our A to Z of pension terms is finally available as a printed booklet. Colonial Financial Services has stepped in to publish the guide so that everyone can get a free copy.

We launched the glossary on our website last April, but we have been swamped with requests from people without access to the internet. Surprisingly, although we



designed the guide for the public, many of those who wanted help ran company pension schemes.

Colonial decided to support the project after research showed that consumers thought understanding pensions was almost as difficult as learning a foreign language.

You can get a free copy of the guide by calling **0800 828 552**.

Meanwhile, the United States' Government is leading the drive for clear information about retirement benefits.

It has sent 125 million workers a plain-English statement which shows how much they will get from the state when they retire. It is the biggest personalised mailout ever sent by the US Government.

Vice President Al Gore (pictured left) is a keen supporter of clear communication from government departments.

## Testing, testing...

The only way to assess plain English is by testing each document. That's our message to the Financial Services Authority (FSA) which proposes to include a measure of 'clarity of information' when it produces league tables of finance firms.

In our formal response to the consultation paper 'Comparative information for financial services' we have warned the FSA that the tables could confuse consumers. The tables could give consumers the wrong impression if they appeared to officially recommend firms for their clarity.

The league tables are designed to make it easier for consumers to compare different products. The FSA suggests a range of methods to 'measure' clarity for the tables. The paper also proposes giving organisations a score of up to five stars for their clarity.

But we argue that a scoring system can never work for plain English. 'Rating a document out of five stars suggests you can achieve different standards of plain English,' our founder-director Chrissie Maher said. 'This is wrong. Either a document is crystal clear or it isn't. There's no half-measures with plain English.'

She also warned against letting 'experts' assess documents without practical testing. 'The only way to tell if a document is in plain English is to let the intended audience read it and then test whether they have understood and can act upon it.'

'Helping consumers compare a range of products will be a tremendous step forward. But the FSA need to realise that including an untested assessment of plain English in these league tables could do more harm than good.'

# Plain English Campaign Awards 1999



## 4-page special

**After 20 years you would think the novelty of our awards would wear off. You would think they couldn't get any bigger or better. You would think the competition would be less intense. You would be wrong.**

The plain-English achievers earned the applause they were due. The Golden Bull winners were heartily booed. And the awards made every national newspaper - even if the papers were mainly concerned with John Prescott's dubious honour.

Still, as our master of ceremonies John Wild explained, the Golden Bulls earned by Mr Prescott's department and the Department for Trade and Industry were light-hearted. Both departments work hard to

use plain English, and it was only the sheer ingenuity of their gobbledygook that triumphed.

The real villains in this year's Bulls were two outrageous extracts from terms and conditions. As our founder-director Chrissie Maher put it, 'This language belongs in the 19th century, not the turn of the 21st.'

This year saw the positive awards being more hotly contested than ever. Although firms like NatWest seemed like they would need a wheelbarrow to carry off its haul of trophies, every award of the day represented a hard-earned victory.

To round things off, we decided to make a series of special presentations at this year's ceremony. We felt that so many people and organisations work for plain-English achievements during

the year that it is a shame they usually miss out on the glory because they have not won a contest.

As a result, we rounded up everyone who:

- had graduated from our diploma course;
- had the courage to sign up to our Honesty Mark; or
- achieved a landmark by earning 25 or 50 Crystal Marks.

All these plain-English crusaders deserved to be recognised.

We would like to thank Dermot Murnaghan for a fine job, and similar thanks goes to the presenter of the Inside Write Awards, Sir Richard Wilson, and our host, John Ward, for their work.

## Plain English Awards

### Nominated by the public

- **Canterbury City Council** for 'Your Council Reports...' (Annual Report 1998)
- **Department of Health** for 'Antibiotics - Don't wear me out'
- **Homefirst Community Trust** for 'First People' staff magazine (issue 11)
- **Home Office** for 'There's more to the Millennium Bug than fixing machines'
- **Key Med Limited** for their leaflet 'Having a Flexible Cystoscopy'
- **Norah Fry Research Centre** for 'Plain facts' magazine (issues 13 and 14)
- **The Scottish Arts Council** for 'National Lottery Film Production Guidelines'

## Inside Write Awards

### For internal government documents

- **Driver and Vehicle Licensing Agency** for 'Code for Managers - guidance notes'
- **Environment Agency** for 'The Green Pages - A guide to green circles'
- **HM Customs & Excise (Personnel and Finance Directorate - Equal Opportunities Team)** for 'Equal Opportunities Policy Statement' booklet
- **HM Customs & Excise (Northern England Training and Development Unit)** for 'Understanding Stress'
- **Inland Revenue (Accounts Office Cumbernauld)** for 'Recognition in AO Cumbernauld - A good practice guide'
- **Intervention Board** for 'e-mail e-ssentials'
- **Ministry of Defence** for 'The Investor' magazine (June edition) and 'Delivering engineering and material support to the fleets of the Royal Navy and Royal Fleet Auxiliary'

## Special Award

- **Sue MacGregor of Radio 4's 'Today'** programme

# Plain English

## Golden Bull winners... and their waffle

- **Glasgow Royal Infirmary's Centre for Rheumatic Diseases** produced a card informing patients that:

'YOU HAVE HAD AN INTRA-ARTICULAR INJECTION OF STEROID  
Facial flushing a few days after injection is normal, however in event of increasing pain, swelling or redness of the joint urgent assessment is mandatory. Aspiration of joint fluid with appropriate culture may be necessary'

- The Pollards Hill Regeneration Partnership Board appointed two:

'Part-time Healthcare Team Foot Health Gain Facilitators'

- **Bansal Estates of Coventry** asked a student's parent to sign this guarantor statement:

'The guarantor in consideration of the demised herein before contained having been made at their request hereby jointly and severally covenant with the landlord that the Tenant will pay the rent hereby reserved on the days and in manner aforesaid and will perform and observe all the tenants covenants herein before contained and that in case of default in such payment of rent or in the performance of such covenants as aforesaid the Guarantors will pay and make good to the landlord on demand all losses damages costs and expenses therefore arising or incurred by the Landlord PROVIDE ALWAYS and it is hereby agreed that any neglect or forbearance of the landlord in endeavouring to obtain the payment of the rents hereby reserved when the same become payable or to enforce the performance of the several stipulations herein to the Tenants part contained and any time which may be given to the Tenants by the landlord shall not release or exonerate or in any way affect the liability of the Sureties under this covenant. (174 words) If the Tenant (being a Company) shall be dissolved or (being an individual) shall become bankrupt and the Liquidator of the Trustee in Bankruptcy (as the case may be) shall disclaim this tenancy the Surety shall nevertheless upon demand payment to the Landlord a sum equal to the rent that would have been payable under the tenancy but for the disclaimer in respect of the period from the date of the said disclaimer until the expiration of three months therefrom or until the property shall have been re-let by the Landlord whichever shall first occur.

AS WITNESS the hands of the parties hereto the day and year first written above.

- The Department for Trade and Industry, in the Employment Relations Act 1999 (Schedule 7, section 3 (1) (c)), seem to have an identity crisis:

'a person carrying on an employment business shall not request or directly or indirectly receive and fee from a second person for providing services (whether by the provision of information or otherwise) for the purposes of finding or seeking to find a third person, with a view to the second person becoming employed by the first person and acting for and under the control of the third person.'

# Awards 1999

- The Department for the Environment, Transport and the Regions produced a consultation paper on 'the Implementation of the IPPC Directive'. Schedule 7, section 4.3. They seem to have missed the point on using paragraphs to make things clear:

'In the application by virtue of this paragraph of subparagraphs (4) and (6) to (10) of paragraph 3 to an application or proposed variation:

- (a) the notice served under sub-paragraph (2) of this paragraph shall be treated as the notification required by sub-paragraph (4) (a) of paragraph 3;
- (b) the reference in sub-paragraph (6) of paragraph 3 to the day on which the notification under sub-paragraph (4) (a) of paragraph 3 is made shall be treated as reference to the day on which the notice served under sub-paragraph (2) of this paragraph is given.'

- Strathclyde Joint Police Board were asked how much it cost the taxpayer to police a particular protest. A council report summing up their response was giving nothing away:

'Strathclyde Joint Police Board have confirmed that costing out a specific police operation is an awkward exercise in accounting terms as well as being an artificial practice. Making reference to the costs of a single operation is essentially an exercise in a vacuum which would divorce from the reality of the strategic approach to policing operations throughout the entire police area. Therefore an actual figure was not provided.'

- Computer firm Elonex plc truly passed the buck with a 'force majeure' clause in its terms and conditions:

'The Company shall not be liable for the cancellation by it of any order or any unfulfilled part thereof or for effecting partial delivery or performance if performance by the Company is prevented or delayed whether directly or indirectly by any cause whatsoever beyond the reasonable control of the Company whether such cause existed or was foreseeable at the date of acceptance of the Customer's order by the Company or not and without prejudice to the generality of the foregoing any cause shall be deemed to prevent, hinder or delay the Company if the Company is thereby prevented, hindered or delayed from fulfilling other commitments whether to the Customer or to third parties.' (113 words)

- A student completing a Catering Studies assignment at Birmingham College of Food, Tourism and Creative Studies didn't agree that the clue was in the question:

'OUTLINE WHETHER YOUR ORGANISATION IS A MANUFACTURING ORGANISATION WITH AN ANCILLARY SERVICE OR A SERVICE ORGANISATION WITH A FACILITATING GOOD'

And for the year's most baffling verbal statement, the **Foot in Mouth award** goes to **Glenn Hoddle**. When asked by Trevor McDonald to explain his controversial comments on the disabled, Mr Hoddle said:

'I do not believe that. At this moment in time, if that changes in years to come I don't know, but what happens here today and changes as we go along that is part of life's learning and part of your inner beliefs. But at this moment in time I did not say them things and at the end of the day I want to put that on record because it has hurt people.'

## Crystal Clear Trophies

For particular industries

- **Crystal Clear Bank**  
NatWest Bank  
**Highly commended:**  
Abbey National  
Bank of Ireland  
Halifax plc
- **Crystal Clear Local Authority**  
**Joint winners: London Borough of Camden and Angus Council**  
Highly commended:  
Bromsgrove District Council  
Liverpool City Council  
London Borough of Southwark  
Newcastle City Council
- **Crystal Clear Insurance Company**  
**AXA Sun Life**  
Highly commended:  
**Colonial Financial Services**  
Friends Provident  
Irish Life  
Pearl Assurance  
Royal London  
Royal Sun Alliance  
**Scottish Provident**
- **Crystal Clear Police Force**  
West Midlands Police

## Media Awards

For clear news reporting

- Best National Newspaper  
The Scotsman
- **Best Regional Newspaper**  
Eastern Daily Press  
Hampstead and Highgate Express
- **Best National Television Show**  
BBC Working Lunch
- **Best Regional Television Show**  
Granada Tonight
- **Best National Radio Show**  
BBC You and Yours
- **Best Regional Radio Station**  
BBC Radio Gloucestershire

Pictured from top:

- The stars of Brookside collect a special award for services to plain English after they ran a storyline on adult literacy.
- Colonial Financial Services collect a highly-commended certificate and the coveted Honesty Mark.
- Members of NatWest staff with their haul of trophies.



## Graduates of the diploma course

- Jo Warrington, Louise Barber, Peter Webb and Jeremy Allaway of AXA Sun Life
- Anthony Howells of Barclays Stockbrokers
- Vickie Jowett and Michelle Baron of the Inland Revenue
- Karen Browne, Liz Carnochan and Ray Harfield of Legal and General
- John Guest and Petra Jarrett of North West Water
- Sharon Highams of PPP Healthcare
- Gillian Mitchell of Rover Group
- Peter Griffin of Tonbridge and Malling Borough Council



## Honesty Marks

- Barclays Bank plc
- Bristol & West plc
- Colonial Financial Services
- Fleming Pooled Pensions
- Irish Life
- NatWest Mortgage Services



## Gold Certificate (50 Crystal Marks)

- AXA Sun Life
- Department for Education and Employment
- London Borough of Camden
- London Borough of Enfield
- London Borough of Hackney
- London Borough of Southwark
- NatWest
- Pearl Assurance

## Silver Certificate (25 Crystal Marks)

- Abbey National
- Angus City Council
- Bromsgrove District Council
- Cornhill Life plc
- The Court Service
- Halifax Financial Services
- Halifax plc
- Irish Life
- Liverpool City Council
- London Borough of Ealing
- London Borough of Richmond upon Thames
- NatWest Life
- Royal Borough of Kingston upon Thames
- Royal London
- Royal Sun Alliance
- Scottish Provident
- Wandsworth Borough Council
- Westminster City Council

## Insuring against confusion

A first-hand account of plain English in the insurance industry by AXA Sun Life's plain-English co-ordinator Karen Maziarz.

It's true to say that becoming a plain-English organisation is like climbing a mountain. Until you start on the rocky uphill path, you have no idea that after every corner you turn, you get to see just a little bit more of the summit that you've got to climb.

I've written this article to give you an idea of what it's been like at AXA Sun Life. If you've already started to use plain English and to Crystal Mark your leaflets, you will already know some of what I'm talking about. If you haven't started to do it yet, read on and take the first step towards knowing a little more about what might lie ahead.

In 1991, AXA Sun Life (or Sun Life as we were then) decided that one of the ways we could improve customer service was to change the way we wrote to the public. We had heard about Plain English Campaign and asked them for help. After meeting Chrissie Maher and taking her advice, we started to run training courses for our staff using professional trainers from the Campaign. We didn't only invite staff from Customer Service; we also asked those in legal, technical, marketing and our sales areas. The response was tremendous. Everyone was interested to hear about plain English and one enthusiast had the bright idea that we could show our customers our commitment to plain English by Crystal Marking our literature.

We wanted to do as much as we possibly could. By working together with Plain English Campaign, we could see that writing in a plain-English style would play a big part in keeping and attracting more customers in the future. In short, happier customers mean more profit.

Since then we have gone from strength to strength. In 1999, we gained 55 Crystal Marks, the most we have ever earned in a single



Karen (left) and her staff with our senior editor Katherine Ardern

year. During the year, we Crystal Marked key feature documents, sales leaflets, newsletters, job application forms, staff information booklets and even developed our own jargon dictionary for staff. It's not been easy, and from first discovering plain English in 1991 it has seemed like an eternity. As far as plain English is concerned, I think our biggest challenge is that there's always something else that needs doing.

Another challenge is that 'plain English' can actually be quite hard to measure. It's not simple to know what is and isn't 'plain'. We've learnt that the only way to find out for sure is the type of testing that documents have to go through to earn the Crystal Mark.

Since being appointed plain-English co-ordinator at AXA Sun Life, I've learnt that plain English isn't something I can do alone. It needs a team of really enthusiastic people who don't give up at the first obstacle. We are building up a

network of those people throughout AXA Sun Life. It's hard to say exactly, but I believe it's the enthusiasm to achieve something really worthwhile for our customers that keeps plain English high on the agenda. Our staff know how important it is to treat customers like they want to be treated themselves.

One thing is clear. We will keep working towards using plain English more and more to show our customers that we really care about them. We want them to understand the products they've bought. We know that for most of them, our products will make a real difference to their futures.

One last message from me is 'don't ever give up'. We know, at AXA Sun Life, that we've still got a long way to go. Keep an open mind and you'll never stop learning. If you improve the way you communicate with your customers, you can't ever go wrong!



**AXA and Plain English Campaign teamed up again in November - but this time it wasn't to fight Gobbledygook Monster.**

We helped the children of Saint Teresa's Roman Catholic Junior School in Anfield, Liverpool raise money for children in an orphanage in Ghana. A former Liverpool player, Alan Kennedy, (pictured left) joined the pupils in a sponsored ball-juggling event, co-ordinated by Carol Brown, a local parent and founder member of Plain English Campaign.

AXA's football-in-the-community team came along for the day, providing sportswear for every child, and bringing the coveted FA Cup to the school.

# Plain English

## Northern exposure



Our ever-popular open courses are set to cross the border again.

We are planning a one-day training session in Scotland in the spring. Like all our open courses, anyone can book a place. The course covers the basics of plain English, ending with practical exercises. The fee also includes lunch and all training materials.

Plain English Campaign's 'Scottish Ambassador' Sybil Law, of Scottish Power, recommends the course.

'Anyone who writes letters or forms owes it to themselves and their customers to give the open day a try.'

At press time, we had not confirmed the date and venue. Please call our training manager Helen Mayo on **01663 744409** for the latest details.

## Open season

Here are some of our upcoming training courses. Please call Helen Mayo on **01663 744409** for more details.

- **Tuesday 15 February:**  
Open course (London)
- **Thursday 16 March:**  
Open course (Manchester)
- **Thursday 23 March:**  
Open course (London)
- **Wednesday 12 April:**  
Open course (London)
- **Thursday 13 April:**  
Grammarcheck course (London)

## The honour roll

The following organisations have earned their first Crystal Mark since our last issue.

Allergan Limited	Isle of Wight Council
Amgen Limited	Joint Contracts Tribunal Limited
Aon Consulting Limited	Kings College London (Dental Practice)
Argyll & Bute Council	Knowsley Metropolitan Borough Council
Arts Council of Wales	KPMG
Berwin Leighton	M R Security
Blick UK Limited	Manchester Metropolitan University Students' Union
Bradford Metropolitan District Council	Mercury Provident
Brighton and Hove Council	Ministry of Agriculture, Fisheries and Food
British Association of Otolaryngologists (Ear, nose and throat specialists)	National Lotteries Charities Board
CGU insurance	Neilson (Travel booking conditions)
Deutsche Asset Management Group	North Staffordshire NHS Trust
Eescape Limited	Office of the Data Protection Registrar
Estyn (Government agency)	Rhondda Cynon Taff County Borough Council
Exeter City Council	Silverlink Trains
Glasgow Development Agency	Wolverhampton & Dudley Breweries plc
Hitachi Credit Insurance Corporation Limited	Worthing Priority Care NHS Trust
Institute of Chartered Secretaries and Administrators	Wyne Forest District Council
Inverclyde Council	

## The new deal

Corporate Membership is now better than ever, with two new benefits for 2000. The membership fee now gets you a package that includes:

- the unique logo;
- a free Crystal Mark for every document that reaches the standard;
- free training for up to 20 staff;
- our full assistance and advice if customers query the clarity of your documents;
- £500 off the course fee for each person you send on our diploma course;
- half-price editing for most documents; and
- a free presentation to introduce your staff to plain English.

For more details on Corporate Membership, please call Margaret Griffiths on **01663 744409**.

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