

Plain English

The magazine of Plain English Campaign - Issue 45 (July 2000)



10 years and 5000 documents later,
we celebrate the Crystal Mark on
Crystal Clear Day

History is out of date

A college has raised a storm over political correctness with a list on 59 'offensive' words.

Stockport College suggested to students and lecturers that the term history is sexist, and that the phrase 'slaving over a hot stove' is not allowed because 'it

minimises the horror and oppression of the slave trade'.

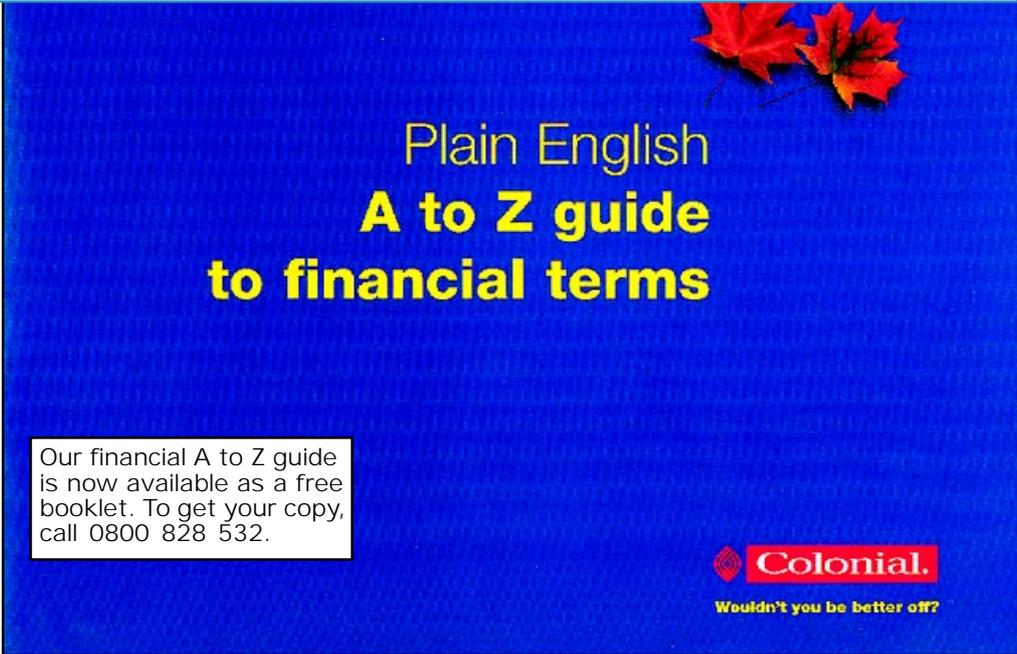
Plain English Campaign's Chrissie Maher says the guidance goes too far. 'There's nothing wrong with trying to choose words with the right tone for your audience - that's what plain English is all

about. But this seems to be concentrating on avoiding offending people at the expense of common sense. Ordinary people are quite capable of knowing when somebody is being deliberately offensive, and when they are using everyday words and phrases.'

League of shame

An international study shows that Britain is performing badly when it comes to adult literacy.

The report, from the Organisation for Economic Cooperation and Development, gave Britain one of the lowest rankings in the developed world. The findings suggest around seven million British adults have difficulty dealing with written information.



Plain English A to Z guide to financial terms

Our financial A to Z guide is now available as a free booklet. To get your copy, call 0800 828 532.

 **Colonial.**

Wouldn't you be better off?

A survey of business journalists has revealed the most hated management jargon.

'Corporate alliancing', 'human capital' and 'post-merger integration' were voted the least meaningful phrases.

The survey, by public relations agency Colette Hill Associates, also found that older terms such as 'outsourcing' and 'headhunting' had become more accepted. This was because they had become more widely used and understood in the business world.

The Food and Drug Administration, the organisation responsible for medical labelling in the United States, has admitted that 'clarity has sometimes lost out to completeness' on labels.

They spoke after health officials pulled three medicines from pharmacy shelves, even though they did not pose a serious medical risk on their own. The withdrawal came because many patients were unable to understand information leaflets that explained how to take the medicines safely.

Crystal-clear prize winner

'Computeractive', the only computer magazine recommended by Plain English Campaign, has won a major industry award.

It was judged best specialist magazine of the year at the Periodical Publishers Association awards. The magazine said the judges 'liked the way we avoid the use of jargon without patronising our readers'.

The plain English style of legal drafting has earned another boost with a ruling in Australia.

The widely-respected Judge Heerey ruled on a case involving a plain English guarantee that solicitors Mallesons Stephens Jacques had written for the National Australia Bank. He said:

'The plain words of the guarantee and mortgage are conclusive evidence against the appellant's argument. The guarantee appears to be a standard form document. In contrast to much traditional bank security documentation, it is clear and comprehensible.'

Tables shelved

The Financial Services Authority has decided not to include 'clarity of information' in the league tables it is producing to allow consumers to compare financial products.

The decision comes after Plain English Campaign's warning that it was impossible to measure and rank documents for their plain English. Either the intended audience can understand and act upon a document on a single reading or it can't.

Crystal Clear Day 2000

30 June 2000 was the first ever Crystal Clear Day. This was a special event held at Old Trafford, home of Manchester United. We marked the day by presenting special certificates to those organisations, holding Crystal Marks, which have made outstanding achievements.



Platinum certificate (100 Crystal Marks)

- AXA Sun Life
- NatWest Bank

Gold certificate (50 Crystal Marks)

- Cornhill Life plc
- Midlands Electricity Board
- Norweb

Silver certificate (25 Crystal Marks)

- Birmingham Specialist Community Health NHS Trust
- Cambridge City Council
- Consolidated and Financial Insurance Group
- DAS Legal Expenses Insurance
- Lawclub Legal Protection
- London Borough of Redbridge
- Newcastle City Council
- Norton Healthcare
- Pinnacle Insurance
- Royal Borough of Kensington and Chelsea
- Royal London Mutual Insurance Society Limited
- Scottish Power
- Searle Pharmaceuticals

We also presented special **Bronze certificates** to organisations with fewer than 25 Crystal Marks but which have still made an outstanding achievement.

- The **Occupational Pensions Regulatory Authority** for their tireless crusade for plain English throughout the

pensions world.

- **Boots Pensions** for sheer determination in working towards crystal-clear documents.
- **Colonial Financial Services UK** for their support in making Plain English Campaign's A to Z guides available to everybody.

And last, but far from least, **Aon Adjudication Services** are the only organisation since our last ceremony with the courage to sign up to the **Honesty Mark** scheme.

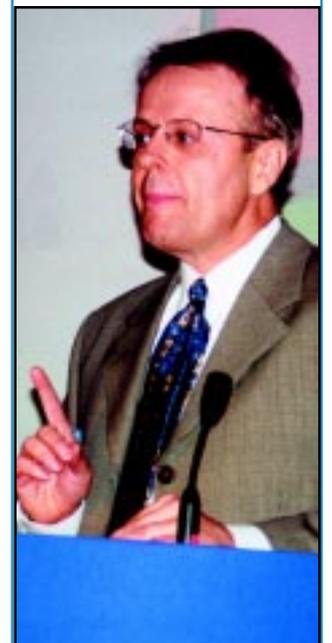
We also celebrated Crystal Clear Day by announcing the first seven 'Plain English Champions'.

These are people from all walks of life and from across the globe. They have each made a personal contribution to the plain English cause that we thought was worthy of particular praise. Each of the champions, including Joseph Kimble (below), gave a passionate acceptance speech.



As well as the presentation ceremony, our guests walked round an exhibition of many of the 5000 Crystal Mark documents. As one visitor told us, 'Seeing all the leaflets, forms and brochures together at the same time really brought home just what an impact the Crystal Mark has made on our daily life.'

After the ceremony, our guests were escorted around the famous football ground, seeing all the sights behind the scenes. One visitor, from the heart of government, said it was like being on holiday!



The plain Engl

The first seven entrants to our 'hall of fame' for outstanding



Karen Maziarz
AXA Sun Life

Karen first encountered plain English in 1991 when Sun Life decided to bring Plain English Campaign trainers into the company.

Karen persuaded the Bristol-based firm to use plain English in every department, not just customer services.

She then fought bitterly to keep the crusade for clarity going after the company was taken over by AXA.

Faced with the inevitable cutbacks, she successfully argued that the costs of plain English were easily outweighed by the savings in time and money.

Karen has now been working full-time on plain English since 1998. This year, she finally achieved her long held goal for AXA to produce 100 documents that met the Crystal Mark standard.

Joseph Kimble
Thomas Cooley
Law School

Joseph Kimble is that rarest of creatures - an academic blessed with common sense!

After graduating from the University of Michigan law school, he began lecturing on legal writing in the mid-1980s. He was determined to encourage his students to throw off the shackles of legalese.

Joe's work now includes editing the 'Plain Language' column in the official journal for Michigan barristers.

Professor Kimble has had to fight many battles for plain English. He has faced many critics who claim that plain English is inaccurate and oversimplistic.

Fortunately he has continually shown the courage to challenge traditional views and never give up when somebody tells him plain English legal writing cannot work.



Peter Hammonds
NatWest Bank

The company secretary of any organisation has plenty of work without taking on centuries of financial jargon and complex gobbledygook.

And for the company secretary of a major bank, it might seem an impossible task. Fortunately Peter Hammonds doesn't believe in the word 'impossible'.

He personally led the battle to persuade NatWest Bank to embrace plain English - not just in documents for the public, but throughout the organisation.

In 1999 alone, the Crystal Mark appeared on almost five million copies of various leaflets and brochures, from customer statements to staff share schemes.

As Peter puts it, 'Effective communication is good for our business and good for everybody with a stake in our business.'

Sybil Law
Scottish

This first group of English champions were pioneers. But they achieved a...

She has worked for Scottish Power since the early 1960s. Five years ago, the company decided to write its contracts in plain practice in plain

After seeing the Plain English Campaign offer, Sybil convinced the bosses that she was the company secretary on plain English.

Three years later she became the first woman in Scotland to go through our gruelling Plain English course. Since then she has trained all members of staff at Scottish Power in plain English.

In 1997 she chaired a committee that reviewed a Government document on Scottish d



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Sir Richard Wilson
Cabinet Secretary

Most supporters of plain English recognise Sir Richard Wilson as the regular host of the Inside Write awards.

The Inside Write awards are our annual prizes for the best use of plain English in documents written by civil servants for civil servants. But Sir Richard battles officialese 365 days a year.

As Cabinet Secretary and head of the Civil Service, he has influence in every Government department. But he is a far cry from the bureaucratic monster of Yes Minister's Sir Humphrey.

Sir Richard's main opponent isn't any human being, but that unpredictable beast, 'the system'. He oversees countless projects to make sure officialese never gets too strong a foothold in the Government.

As Chrissie Maher once put it, 'He is the Campaign's highest-ranking mole!'

Mark Ashworth
Lombard

Plain English Campaign's office in Derbyshire is a beautiful place to visit for an afternoon. There aren't too many people who stay for eight days though.

As part of the Company Secretary's staff at NatWest, Mark Ashworth was responsible for arguably the biggest piece of editing we have ever done.

He arrived at our office with the bank's memorandum and articles of association, which were over a hundred years old. Mark sat down with the editors and didn't give up until they had produced a crystal-clear document.

Mark is now carrying on the plain English fight at financing firm Lombards, but he will always be known at Plain English Campaign as the man who proved that nothing is impossible.



Emma Wagner
Fight the Fog

The staff of the European Commission's translation department often have to take waffle in one language and attempt to translate it clearly into around a dozen other languages.

Luckily for the people of Europe, the plain English movement has its own representative on the continent. Emma Wagner, part of the translation department, launched her own crusade for clarity - 'Fight the Fog'.

The campaign officially ran only for the six months in 1998 when Britain held the presidency of the Commission. But the group's series of seminars and lectures proved so successful that they have continued advising and encouraging those European politicians and civil servants who realise plain English can inspire plain French, plain Italian and plain German.

Where there's a will...

We've all heard the saying that the only two things inevitable in life are death and taxes. For one 'Plain English' reader it seems that legalese can be added to that list.

Earlier this year, John Middleton asked a local solicitor to draw up a will to create two discretionary trusts. These are a reasonably simple way of passing assets on to your survivors while saving on inheritance tax.

Unfortunately for John, the solicitor (who we will not do the honour of naming here) decided adding extra clauses to the will wasn't enough – it was gobbledeygook time.

John had previously had a single-page will. It was simple

enough, perhaps not Crystal Mark standard, but very straightforward. Anyone reading it knew exactly where he wanted his money to go, and what would happen if his wife died before him. Then the solicitors got their hands on it.

Along with a bill for £300, John received 14 pages of torturous legal extravagance. All that was missing was punctuation and any hope of understanding what the document meant.

Just one clause gives a taste of the sludge within.

Unfortunately for the solicitors, John Middleton is not the type of person to blindly sign something he does not understand. He immediately wrote back to demand an end to the waffle.

'If you feel that everyday language is not adequate for the legal profession and that only arcane words and phrases will define legal situations precisely then the rest of us have a problem. It's as if the legal profession spoke Chinese between themselves and that all documents were exchanged in that language.'

The solicitor's response was both predictable and illogical.

'The wording used in professionally-drafted wills can seem unclear, especially without punctuation. However, it is important to ensure that the Wills can not be misinterpreted – this can open the way to litigation between beneficiaries. The formal wording is designed to result in only one interpretation which would, if necessary, be confirmed by the Court.'

You may be forgiven for wondering how something that is unclear cannot be misinterpreted. John went to another solicitor to ask that very question.

'28. POWER TO CHARGE

ANY Executor for the time being hereof being a Solicitor or other person engaged in a profession or business shall be entitled to charge retain and be paid in priority to all other bequests hereby made all usual professional or other charges for business done by him or his firm in relation to proving this my Will and obtaining Probate thereof and in the execution or otherwise in relation to the trusts hereof and also his reasonable charges in addition to disbursements for other work and business done and all time spent by him or his firm in connection with matter arising in the premises including matters which might or should have been attended to in person by a trustee not being a Solicitor and any Executor shall be entitled to retain any brokerage or other commission which may be received personally or by such Executor's firm in respect of any transaction carried out in the administration of my Estate and the trusts thereof for which the Executor or his firm is in the normal course of business allowed or paid brokerage or other commission notwithstanding that the receipt of such brokerage or commission was produced by an exercise by such Executor of powers vested in him hereby or by law'

The real world

The uncensored views of our founder-director, Chrissie Maher

One thing I'm always being asked is when I'll give up campaigning. When will I consider that the plain English job is done? When will I finally stop harassing the people who write public documents?

Well, I'm not going anywhere for a while, so here are a few things I want to see happen before I hang up my campaigning hat.

I want to see a law pass through parliament and go on to the statute book with a Crystal Mark. We all deserve to understand the laws that affect our daily lives.

I want to see university students taught that plain English is the way to write. As well as rewarding essays and projects for their content, we should be teaching students how to

communicate their knowledge effectively. Clear writing is a valuable skill whatever subject people are studying.

I want to see more organisations lose business because people refuse to sign documents they don't understand.

I want to see businesses realise that plain English isn't just taking big words and replacing them with small words. It's about treating the customer as a human being, and making sure they have clear information so that they can buy the product that meets their needs.

I want to see every local authority in the country earn the Crystal Mark for at least one of their documents. We're about a quarter of the way there already, but everybody deserves to know what is going on in their area.

I want to see 21st-century technology used to improve everyone's communication, not to restrict it with technical jargon. As I told a journalist recently, it's ridiculous that firms can now let you apply for a mortgage in two minutes by pressing buttons on your mobile phone, yet

'He said most people just signed it and believed what they were told. He said that if I wanted to understand what I was signing, I would need to go to law school for three years.'

John was, understandably, unimpressed. He told his original solicitor to halt work immediately and send him the bill for his expenses so far. As John wrote, 'I came to you in good faith expecting that, for a few hundred pounds, you would create two clear and legally accurate wills referring to a trust that would minimise our inheritance tax. [I] did not realise that these two requests were mutually exclusive.'

When the solicitor asked for his £300 fee for writing the draft will, John refused to pay up and keep quiet.

'If I buy a product from a shop or a service from a provider, I expect to have a product or service that is fit for the purpose for which it is bought. The wills produced by [you] were not fit for the purpose since neither I nor my wife could understand them.'

'The whole purpose of a solicitor being involved in writing wills is to ensure that they are clear, unambiguous and accurate. It may well be that all solicitors could understand the draft will, but I suggest that 99% of all non-solicitors couldn't. Neither I nor my wife will sign documents relating to our life savings without understanding what we are signing **and no-one should expect us to.**'

Whether it was this crystal-clear logic, or merely an accompanying threat to refer the affair to the Office for the Supervision of Solicitors, John Middleton won. The



solicitors begrudgingly agreed he would not have to pay a penny and removed him from their client list.

Unfortunately, it seems John's victory may be a hollow one. He is still searching for a solicitor to meet his simple request. 'On my death I wish my estate to go to my wife and on her death I wish the remaining estate to be distributed amongst our children in the proportions stated. If the original simple will has to be changed into [an] unbelievably complicated document to avoid paying inheritance tax then I think we would rather pay the tax.'

'I am getting worn down and face the distinct possibility of dying before completing this will unless I capitulate and accept their crazy wording.'

Editor's note:

If any 'Plain English' reader has found a solicitor that speaks plain English and writes crystal-clear wills, please write to us at the usual address.

they can't be sure that you have understood exactly what you are getting into.

I want to see every one of Britain's 87 European MPs commit themselves to battling jargon and gobbledegook in their work. We have elected these men and women to speak for us, and they should make sure that European politics is about informed decisions, not hidden agendas.

I want to see the Honesty Mark appear on every Crystal Mark document. Clarity and openness should go hand in hand



when firms are trying to earn the public's trust.

And there's one thing I don't want to see. I never want to see ordinary people's lives ruined again because needlessly complicated language and design have let them down.

Dear Sirs,

I am very impressed with the work being done by your organisation but would like to draw attention to something which I feel is equally important.

Having a document in plain English is not much use if one has great difficulty reading it. There seems to be an ever increasing tendency to print in unsuitable colours and/or upon unsuitable coloured paper, e.g. yellow print on orange paper, with perhaps shadowy figures in another colour in the background.

This does not matter in advertising material, but it is often found in information booklets from insurance companies, building societies and government departments.

Please, please use your influence to encourage the use of good black print on white paper.

Mr G, Devon

Dear 'Plain English'

I wonder if your readers could give their views on a parking notice that caught me out.

I parked in a local car park before 5pm. I returned a few minutes before two hours later and saw the following sign:

Entry before 5.00pm (tariff applicable until 10.00pm)

**Up to 2 hours £2.00
Etc. for longer periods**

For vehicles parked before 5.00pm the evening charge does not apply - payment to be made at the above charges.

**Entry after 5.00pm (Evening Charge)
Any part £1.50**

I thought it was safe to leave my car, as I believed the sign said that an evening charge wouldn't apply. Unfortunately I was hit with an excess parking charge.

I know your readers must come across a lot of confusing signs, so I'd be grateful if they could write in to the magazine with their views.

Yours

Mr Taylor, Cheshire

Plain English

Welcome aboard

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

Amber Valley Borough Council
Birmingham Specialist Community Health NHS Trust
Boehringer Ingelheim Limited
Bolsover District Council
Chartered Institute of Management Accountants
Dunfermline Building Society
Eaga Partnership
East Sussex County Council
Eldonian Community Based Housing Association
Fortis Insurance Limited
Gateshead Metropolitan Borough Council
General Insurance Standards Council
Home Housing Association
Home in Scotland
Investors in People
Macclesfield Borough Council
Maritime Housing Association
Merton, Sutton & Wandsworth Health Authority
Northern Arts
Office of the Legal Services Ombudsman
Public Trust Office
Ridgehill Housing Association
Small Firms Enterprise Development Initiative
South Essex NHS Mental Health and Community Care NHS Trust
South Tyneside Health Care Trust
The Children's Society
Venture Housing Association

A few places are still available on our series of one-day seminars, each covering plain English in different types of document.

We have already held one seminar, on Housing Benefit and Council Tax Benefit forms. This marked the 21st anniversary of Plain English Campaign on 26 July. Local authorities from around the country took part in the event.

The events will be a mix of practical training and guest lectures from industry experts.

We hope that the seminars, as well as showing what plain English can do, will be a good opportunity for organisations to share their plain English skills.

The seminars are at London's Jarvis International Hotel (Regents Park). For more details, please call our training manager Helen Mayo on **01663 744409**.

Please do not delay as places are strictly limited. The dates available are shown below.

Friday 22 September

Information technology versus plain English

Friday 29 September

Grammar re-visited (forms, leaflets and agreements)

Friday 27 October

Medical information (NHS Trust information and information on 'over-the-counter' medicines)

Friday 3 November

Legal agreements versus plain English

Tuesday 7 November

Accountancy information provided by banks, pension companies and building societies (end-of-year accounts)

Open courses

We still have places available on several of our one-day open courses. These courses introduce plain English, and are an excellent 'taster' for what we can offer businesses.

The dates are:

- **Tuesday 15 August** (London)
- **Wednesday 13 September** (London)
- **Thursday 14 September** (Manchester)
- **Wednesday 11 October** (London)
- **Tuesday 14 November** (London)
- **Tuesday 21 November** (Manchester)
- **Thursday 14 December** (London).

For more details or to book your place, please call our training manager Helen Mayo on **01663 744409**.

Part-time writer wanted

A London-based organisation needs someone who:

- can write good, plain English;
- is logical; and
- can spare around one week a month.

If you are interested, please send your details to: **London writer position, PO Box 3, New Mills, High Peak, SK22 4QP.**

Appreciate it? Nominate it!

There is still time to send entries for our awards in December. The closing date for entries is 30 September.

Do not forget that you can enter any document for our open 'Plain English' category. You can enter your own work.

However, we cannot accept any entries that Plain English Campaign's editing staff have worked on.

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