

Plain English

The magazine of Plain English Campaign - Issue 50 (Autumn 2001)

Legalese and lawyers - a doomed romance

For years we have heard cynics describe the idea of plain English in the criminal justice system as 'a gimmick', 'a dream' or 'an impossible luxury'.

Now, according to a major review for the Government, 'plain English should be the norm' in the criminal courts. Lord Justice Auld's recommendations follow the scrapping of many Latin phrases and pieces of legal jargon in the civil courts in 1999.

The suggestions include:

- examining 'all court procedures, forms and terms with a view to simplifying their language and content';
- 'a thrust throughout the criminal justice system for the use of plain and simple English so that

it is understood by lawyer and non-lawyer alike';

- rewriting the jury summons 'in a more informal and friendly tone than at present';
- writing bail notices in plain English so that the defendant 'understands exactly what is required of him and appreciates the seriousness of the grant of bail and of any attached conditions'; and
- replacing the juror's oath or affirmation with a simple statement such as 'I promise to try the defendant and to decide on the evidence whether he is guilty or not.'

Our spokesman John Lister said the proposals could end a long struggle to make plain English the rule rather than the exception in courts. 'Lord Auld isn't pretending that every

legal phrase will disappear overnight; as he says, there are some phrases that serve a specific legal purpose that cannot be expressed another way. But he proposes a clear principle that everyone in the criminal court system should use plain English wherever possible.'

'The recommendations on plain English may only be a small part of Lord Auld's programme of reform, but it could be the most important. A fair and just legal system can only work when everyone involved understands what is happening.

'Now that our campaigning has ended in victory, we gladly offer our 22 years of experience of rewriting documents in plain English to the Lord Chancellor. Lord Auld has established the principle of plain English in criminal courts. The next step is to turn that into practice.'

Feisty at fifty

We have reached another milestone in the campaign for clarity - this is issue 50 of 'Plain English'.

In fact this is the 51st edition thanks to a mix-up several years ago. Fortunately, while we might be a bit rusty on our maths, we've survived 22 years of linguistic onslaughts to bring you the latest news.

To celebrate, we have produced a special look back at our favourite stories from past editions. As you will read, some things never change!

Please turn to page 4 for the walk down memory lane.



Also in this issue:

- why a policeman's four-letter word cost £7 million;
- why 'thinking outside the box' is clearly not the best plan;
- a survey reveals the extent of problems caused by small print;
- how 'lack of visibility' became the latest buzz phrase;
- the creator of 'Wallace and Gromit' lends his hand to a plain English guide; and
- how the long-winded approach can occasionally pay off in court.



A prescription for clarity

A new book aims to help nurses and other healthcare workers to communicate more clearly.

The Foundation of Nursing Studies asked freelance editor Alison Turnbull to write the book 'Plain Words for Nurses' after their research showed that jargon was causing many problems within the health industry.

The book tackles general plain English techniques and specific issues with language in medical matters.

You can get more details by calling the Foundation on **020 7233 5750**.

Letter leaves locals stumped

We encourage all local authorities to write clear letters to local people to encourage a healthy, informed democracy.

One seems to have taken this a little too far.

Southampton City Council have written a letter to a tree to say it will not be chopped down. They posted the letter, which begins 'Dear The Tree', on the lime tree's trunk. The letter explains that the tree is welcome to make any objections or comments, but must do so in writing.

A spokesman said the letter was a 'standard legalistic device' to make sure the tree was officially covered by a preservation order.

Small print, big problems

One in five people could be at risk because they cannot read the small print on food labels or medicines.

The figure was revealed in a report by the Royal National Institute for the Blind.

The survey of 2000 people, with and without sight problems, showed that written information caused problems in many parts of daily life.

The survey suggests that:

- 25% of adults have problems reading food labels;
- 21% have problems with medicine labels;
- 14% cannot read subtitles on television programmes;
- 13% struggle with electronic displays on machines such as video recorders and microwaves; and
- 11% cannot read the route number on the front of a bus in time to signal for it to stop.

The RNIB has produced a range of suggestions for making information more accessible for people with these problems. You can call **0845 766 9999** with any questions.

The £7 million word

Did you hear the one about the police officer who used a four-letter word and it cost him £7 million?

A senior police official in Bradford found to his cost just how expensive it can be to fall foul of insurance wording. He made the mistake of appearing on television and describing the disturbances in the city in the summer as a 'riot'.

Under the 1886 Riot (Damages) Act, a police force is responsible for paying for any damages caused 'by any persons riotously and tumultuously assembled together'. In the case of a 'riot', insurers do not have to pay out.

Pension firm are clear winners

A pensions communication firm's commitment to plain English has helped them win a major industry award.

Triskel Communications won the 'Communications Specialist of the Year' in the European Pensions Awards. The firm, owned by consultants Bacon and Woodrow, helps pension schemes communicate with their members.

Triskel describe themselves as 'keen supporters of Plain English Campaign', and work with our editing team to make sure they produce crystal-clear materials for their clients.

While police in Bradford face a £7 million bill, their colleagues in the Lancashire force have used a legal loophole to avoid similar financial problems after disturbances in Burnley. A spokesman said that 'at no point did we call it a riot. We've been very careful all along not to say 'riot'. We only ever called it a serious disturbance.' Instead the insurers will pick up the damages.

Although we'd not make light of the disturbances, we at Plain English Campaign must admit to stifling a small giggle at the thought of insurance firms losing out because of somebody else's interpretation of an everyday word.

Thinking outside the box

The Advertising Standards Authority (ASA) have ruled against communications firm NTL for using small print.

The firm produced adverts for its internet service. Small print above the box containing the main body of the advert said the service was not available everywhere in Britain.

NTL offered to increase the size of the print, but the ASA said this was not the main problem. Instead they warned that consumers might easily miss the text. They told NTL that in future adverts any terms and conditions should be clearly recognisable as part of the advert.

Animated advice



(From left) Campaign spokesman John Lister, Bristol Debt Advice Centre Director Martin Green and Nick Park

Nick Park, the creator of animated stars Wallace and Gromit, helped launch a plain English guide to dealing with debt.

He is patron of the Bristol Debt Advice Centre, a charity that provides free help for people with financial worries. He said the Centre was 'delighted to have achieved the Crystal Mark. We hope the guide will give clear and accurate advice to people facing a whole range of problems caused by debt.'

The guide contains advice on how to cope with debt by working out budgets for income and expenditure and showing creditors that you are trying to deal responsibly with debts.

As well as reducing worry and stress for the reader, the guide's clarity should reduce the time the Centre's staff have to spend on clearing up any confusion, which means they can concentrate their limited resources on helping people solve their debt problems.

In defence of dullness

Thanks to the team at the Valuation Tribunal Service newsletter for sending us this Canadian cutting from the International Accountancy Bulletin. It seems plain English is not necessarily the best form of defence in the courts.

'You're guilty, I am certain of that, but I simply can't bear to listen to you any longer,' announced a tearful Judge Hamilton to an almost deserted court.

Hamilton, who was presiding over a case involving 15 counts of tax evasion, continued: 'It is my observation that you are beyond a doubt the dullest person I've ever had in my court. You speak in a monotonal voice so totally devoid of interest, and use language so drab and convoluted that even the court reporter can't stay conscious long enough to record your evidence properly. I've had it. Three solid days of your steady drone as you defend an obviously fraudulent set of accounts is enough. I can't face the prospect of another 14 indictments. It's probably unethical but I don't care any more. Case dismissed.'

Visibly confused

Now and again a new piece of business jargon catches on and, before you know it, it makes the journey from buzz word to cliché. For those of you who want to look the part in boardrooms around the world, the phrase to look out for is 'lack of visibility'.

What does it mean? Nobody is certain, but in the last fortnight it has appeared in more than a dozen different financial stories in the British press. Our spokesman John Lister told the 'BBC World' television channel that we could only guess at the meaning.

'Our best bet so far is that it means that you can't make any safe predictions about the future for a business because there might be a recession coming. It seems like 'lack of visibility' is a way of saying this without using the dreaded word 'recession'.

'The problem is that it seems to have spiralled out of control — it's clearly reached the stage where people are using the phrase because they've heard it elsewhere and it sounds right. Once a piece of jargon like this takes hold, nobody wants to admit they aren't sure about what it means.'

Blast to the past

The Financial Services Authority have threatened a crackdown on references to past performance in financial adverts.

The move came after research showing that there was statistically very little evidence that a firm's previous investment success was a guide to future results. However, surveys of consumers show that many considered previous success one of the most important reasons for choosing a particular firm.

The FSA proposals include:

- making the need to print the warning '**past performance is not a guide to the future**' (currently an Advertising Standards Authority guideline) into a legal requirement;
- banning any 'theoretical' figures for past performance that are not based on actual results; and
- considering ways to force all firms to use a standard system for comparing past performance.

Happy birthday to us

A special look back at 50 issues of 'Plain English' magazine

Issue 1 (January 1980)

As if the infamous launch of the Campaign on Parliament Square wasn't enough, Chrissie Maher appeared on live television and threatened to kidnap Angus Maude, the Government minister responsible for information services, to raise a ransom to fund our campaigning!

Issue 2 (July 1980)

What would become a long-running campaign began as we highlighted the problems of baffling tax forms. We encouraged taxpayers to tape a halfpenny piece to their returns to help the Inland Revenue fund an improvement. Rumour has it some staff are still accounting for the coins today!

Issue 3 (December 1980)

The first annual awards ceremony saw the Department of Health and Social Security achieve an unusual double. As well as a trophy for a particularly clear form, they also picked up a wastepaper bin as one of the 100 winners of the booby prizes.

Issue 4 (April 1981)

The Government announced an official review of official forms to see if simplification could save money. Sir Derek Rayner's review eventually led to 58,000 forms being rewritten and redesigned.



Issue 5 (July 1981)

Our research among enumerators (form collectors) found they had to return census forms to between 80 and 90% of people because they had made mistakes.

Issue 6 (September 1981)

The National Consumer Council began giving away stickers for people to put on baffling documents before returning them to the writer. They said, 'This is gobbledegook - please use plain English.'

Issue 7 (February 1982)

To reward the winners of the booby prizes in our second awards we sent two pounds of fresh tripe through the post to the winners. Interestingly two of these organisations earned their first Crystal Mark in 2001. We just hope they haven't still got their prize!

Issue 8 (?)

Unfortunately the Gobbledegook Monster appears to have eaten this issue!

Issue 9 (October 1982)

We persuaded the Government to set up a three-year project at Reading University's Department of Typography. The 'Forms Information Centre' advised officials how to write and design clear forms.

Issue 10 (February 1983)

For our third set of booby prizes we switched to the now familiar 'Golden Bull' trophies. None of the winners chose to collect them in person. One winner, a letter from a public transport body, is still used by our trainers today as an example of what not to do.

Issue 11 (May 1983)

We reported on an insurance policy that ran to 12 pages (around 4000 words) with no punctuation except for the occasional capital letter.

Issue 12 (September 1983)

A European consumer group produced the first guide to jargon in (then) Common Market affairs. Things were to get a lot worse.

Issue 13 (January 1984)

In one of the bigger shocks in the Campaign's history, the Inland Revenue tax return for basic-rate taxpayers won a 'good award' at our annual ceremony. The form had been widely tested on the public before publication. (If only they had learned their lesson.)

Issue 14 (February 1984)

Our study 'Small Print' showed that many firms were using needless legal jargon in their contracts. In some cases the terms of the contracts were actually illegal, but consumers would not realise this unless they could decipher the legalese.

Issue 15 (July 1984)

The Cabinet Office gave a 12-page booklet on writing in plain English to all 1700 civil servants in the department. One thought-provoking passage asked the reader to imagine trying to explain what a bicycle was to a Martian! The Government later asked for 20,000 copies for other departments.

Issue 16 (February 1985)

Two brave Golden Bull winners became the first to collect their trophies in person. Meanwhile a reporter at The Times complained that the standard of gobbledegook was 'less amusing' than usual. We took this as a sign of a successful year!

Issue 17 (March 1985)

After reviewing its standard forms, the Ministry of Agriculture filled two 10-ton lorries with redundant forms! This figure was revealed in a Cabinet Office report that showed the Government had saved almost £3 million during 1984 by using clearer forms.

Issue 18 (February 1986)

We heard from the United States where a worker told his supervisor that he had caught his thumb when he closed a drawer. Writing the accident log, the supervisor blamed it on 'failure by employee to accurately estimate drawer closure speed for timely removal of digit'.

Issue 19 (March 1986)

One of our awards for a clear document by the Government went to the Department of Health and Social Security. They sent along a fresh-faced junior minister by the name of John Major to collect their trophy.

Issue 20 (?)

Like issue 8, this edition has disappeared. If anyone has a copy, we'd love to see it!

Issue 21 (March 1987)

We uncovered a public notice in a newspaper about a compulsory purchase order. It ran to an estimated 8000 words and was written in print about this size.

Issue 22 (July 1987)

Research into medical labels found that switching to plain English instructions could reduce the number of misunderstandings by 15%.

Issue 23 (February 1988)

We helped rewrite and redesign the standard direct debit form used by all banks and building societies. We also exposed some of the worst gobbledygook from the previous year's election campaign.

Issue 24 (March 1988)

A play at the Edinburgh Festival showed the invention of a new bureaucratic language, Ptydepe. It involved very long words (the word for wombat was 319 letters) and it was completely unusable. The story was worryingly realistic!

**Issue 25 (April 1988)**

The infamous Lieutenant-Colonel Oliver North denied lying to a United States Congressional Committee. However, he did admit that he had used 'additional input that was radically different from the truth'.

Issue 26 (June 1989)

After seeing the misery caused by the horrendous registration forms used for the community charge (poll tax) in Scotland, we took action before the charge was introduced in England and Wales. We worked with almost 200 local authorities to produce a model for each authority to adapt.

Issue 27 (January 1990)

During the celebrations on Parliament Square for our tenth anniversary we managed to appear simultaneously on the BBC and ITV lunchtime news. We hoped there would be no need for the Campaign to still be here in 1999 - how wrong we were.

Issue 28 (July 1990)

The European Commission proposed changing the law to make firms replace instructions on medical packets with separate complicated leaflets - despite the fact such leaflets are easily lost. We set up camp in Strasbourg while Chrissie banged on the door of every member of the European Parliament.

Issue 29 (April 1992)

United States Vice President Dan Quayle baffled the world with a quote in the Washington Post. 'We offer the party as a big tent. How we do that [recognise the big tent philosophy] within the platform, the preamble to the platform or whatnot, that remains to be seen. But that message will have to be articulated with great clarity.'

Issue 30 (December 1992)

The Princess Royal presented the Inside Write awards for clear civil service writing. She shared her experience of trying to write a beginner's guide to showjumping without using technical terms.

Issue 31 (August 1993)

After rewriting the official rule book of the Greater Manchester Police, reducing it from 750,000 words to 60,000 words, we found that by an amazing coincidence the guide had earned Crystal Mark number 999.

**Issue 32 (November 1993)**

In one of his less dignified moments, the then Cabinet Secretary Sir Richard Butler floored a large animal with a right hook. Fortunately the beast concerned was the Gobbledygook Monster and it was all a stunt to mark his declaration that 'Plain English is not an optional extra in today's Civil Service.'

Issue 33 (December 1994)

For years we had heard the ongoing debate about the relative merits of serif fonts (such as Times New Roman) and sans-serif fonts (such as Arial). ('Serif' refers to the small lines across the end of letters while 'sans' is French for 'without'.) With issue 33 we adopted a neutral position by switching to our current corporate typeface, Newtext, which combines a clean and crisp style with very small serifs to make it easier to follow the flow of text.

Issue 34 (February 1995)

We challenged companies of all sizes to ditch the 'emoluments' and 'amortisations' and write their annual reports in plain English. Since issue 34 went out we have seen organisations such as housing groups, regional development agencies and building societies earn the Crystal Mark for the annual report.

Issue 35 (August 1995)

A surgery near our Derbyshire base offered free check-ups to people aged 75 and over, in the comfort of their own homes. The reply slip had the unfortunate wording 'Yes, I would like to take advantage of Nurse Jackson for an annual visit!'

Issue 36 (December 1995)

Plain English supporters from eight countries spoke at our international conference in Miami. Law professor Joe Kimble of Michigan gave the results of a study showing that just 3% of words in a typical legal document had a specific legal meaning. This means the rest of the text can be written in plain English without sacrificing legal accuracy.

Issue 37 (July 1996)

As part of our 'Helping Hand' scheme we ran 10 free courses across the country to teach young unemployed people the skills to write in plain English.

Issue 38 (September 1996)

The Royal Mail delivered a letter intended for us to the wrong address. The anonymous recipient wrote a message on the back and put it in a nearby postbox, from which it found its way to our office. The message said:

'Notwithstanding his usual exemplary service, the deliverer of Her Majesty's mail has seen fit to insert said envelope into my portal opening constructed for this purpose, albeit the obvious misrepresentation of residence. Felicitations of a personal nature.'

Issue 39 (April 1997)

We took issue with Northampton Borough Council's decision to call their Christmas lights 'festive embellishments of an illuminatory nature'. The brief row ended peacefully when the council invited our staff to perform the ceremony of switching the lights on!



Autumn 1998

This was actually our 40th issue - unfortunately the gremlins got to work and we had a second issue 39! We can only blame the mishap on the stress caused by a circular sent to us which discussed 'the simulated realities decomposition' and told us to 'see london psycho-geographical societies conspiracy theories' because 'our proletarianized ills are soothed by capital's romanticised fetishes of reification' (their spellings).

Issue 40 (January 1999)

New guidelines by the Lord Chancellor saw Latin and legal jargon thrown out of the civil courts in England and Wales. Two years later our legal system is still alive and well, and new trainee barristers are taught to write in plain English at the beginning of their studies.

Issue 41 (July 1999)

Asked to describe his idea of heaven, crime writer John Le Carré said, 'Electrical equipment will have proper buttons to press or turn, and instructions will be couched in plain English and printed in large lettering.'

Issue 42 (October 1999)

On our twentieth anniversary as a campaign, Chrissie Maher warned that 'gobbledygook in disguise' was the biggest threat to plain English. She was talking about organisations that use plain English as a marketing gimmick but do not test their documents. This leaves people feeling stupid and helpless when they cannot understand the 'clear' document.

Issue 43 (January 2000)

We reported that Lord Justice Auld was beginning a comprehensive review of the criminal court system - and we tipped that plain English might be on his wish list. This issue's cover story shows that prediction has come true.

Issue 44 (April 2000)

Brian White MP led a debate in Parliament on the need to draft laws in plain English. The call earned the surprise backing of the Solicitor's Journal newsletter.

Issue 45 (July 2000)

Campaign supporter John Middleton shared his frustrated experiences in trying to get a will written in plain English. Perhaps we'll be able to report some success in issue 100!



Issue 46 (October 2000)

A Channel 4 investigation, helped by Plain English Campaign, found that almost a million people with learning difficulties were cheated of their right to vote by baffling electoral registration forms.

Issue 47 (January 2001)

George W Bush won the United States presidential election over Al Gore thanks to a mere 537-vote lead in Florida. Unfortunately around 2000 votes intended for Gore were thought to have gone to third party candidate Pat Buchanan by mistake. The chaos was caused by a potentially confusing ballot paper that had not been tested on the public first.

Issue 48 (April 2001)

We asked 10 party leaders to promise voters that their manifestos for the general election would be both clear and honest. Ian Paisley of the Ulster Democratic Unionists was the only one to reply with an unconditional pledge of honesty.

Issue 49 (Summer 2001)

Romano Prodi (European Commission President), Neil Kinnock (EC Vice President) and Peter Hain (British minister for Europe) all called for plain English in European politics. The French government joined the campaign by cracking down on gobbledygook in its civil service.

We'd like to say we'll defeat gobbledygook before issue 100 rolls around - but we're making no promises!

The Real World

The uncensored views of our founder-director Chrissie Maher

As you can see from the picture to the right, when we wrote the first issue of 'Plain English' in 1979, I was well and truly fed up with gobbledeygook. And I still feel exactly the same!

But there are changes which I've noticed while reading through the back issues. And not just the fact that we use a gentle blue rather than a loud magenta as our main colour.

In the early issues we were still arguing the case for plain English and explaining what it was. It does seem impossible to believe now, but back then people couldn't even grasp the concept of plain English.

There were also many examples of horrendous forms and gobbledeygook that readers had sent us. We used to fill pages and pages with the terrible ways that organisations baffled the public. Now the gobbledeygook is not so glaring.



In some ways, this makes it harder to campaign. If you expose a parish council's ridiculously complex public notices, journalists love it, even if it only affects a handful of people.

But if you point out that a public form uses 'DOB' instead of 'Date of birth', it doesn't come across as 'outrageous' - even though it can affect millions of people who don't have English as a first language.

I think we're fighting a different battle now than we were in the early issues of plain English. Back then we were like explorers, trying to convince the world that the Gobbledeygook Monster really existed. Now we're the hunters trying to make it extinct!

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

Alstom

Avon and Somerset Police Authority

Baring Asset Management Limited

British Psychological Society

BT openworld

Counsel & Care

Cunninghame Housing Association

Doctor Patient Partnership (DPP)
2000 Limited

East Staffordshire Borough Council

HM Land Registry

Leeds Teaching Hospitals NHS Trust

Leicestershire City Council

Logic Systems Management Limited

Medical Research Council

Methodist Insurance plc

Metropolitan Police Service

Nominet UK

North East Derbyshire District
Council

North Norfolk District Council

North Yorkshire Police

Nottingham City Hospital

Rotherham Metropolitan Borough
Council

Ryedale District Council

Saville Gordon Estates plc

Solicitors Family Law Association

South Kesteven District Council

South West Regional Development
Agency

Swiss Life

Tewkesbury Borough Council

University of Warwick

West Midlands Arts

Withers Solicitors

Open courses for 2002

The following are all plain English open courses except for those marked 'Grammarcheck'.

The courses are open to anyone, but there are discounts for corporate members.

For more details or to book a place, please call Helen Mayo on 01663 744409.

London

- Tuesday 8 January (Grammarcheck)
- Wednesday 9 January
- Tuesday 12 February
- Thursday 21 March
- Wednesday 10 April (Grammarcheck)
- Thursday 11 April
- Tuesday 14 May
- Thursday 13 June
- Tuesday 9 July (Grammarcheck)
- Wednesday 10 July
- Thursday 15 August
- Wednesday 11 September
- Tuesday 8 October (Grammarcheck)
- Wednesday 9 October
- Tuesday 12 November
- Thursday 12 December

Manchester

- Wednesday 16 January
- Wednesday 13 March
- Wednesday 15 May
- Wednesday 17 July
- Wednesday 11 September
- Wednesday 20 November

Birmingham

- Tuesday 12 March (Grammarcheck)
- Wednesday 13 March
- Tuesday 10 September (Grammarcheck)
- Wednesday 11 September

Glasgow

- Wednesday 6 March

Page 8 of the printed copy of issue 50 shows the front cover of our first issue in 1979.

We do not yet have this available for the Adobe Acrobat version of issue 50.