

Plain English

The magazine of Plain English Campaign - Issue 49 (Summer 2001)

Kinnock calls for continental clarity

Neil Kinnock, one of Britain's two European Commissioners, has admitted most Europeans have no chance of understanding the laws that affect their daily lives.

And he suggested the European Commission (EC) needs a specialist in-house department to edit documents into plain English - before translators have to begin work on them.

He spoke at a special ceremony organised by 'Fight the Fog', the EC translation department's own campaign for plain English. The campaign is headed by Emma Wagner (pictured right), who we named as one of Plain English Campaign's 'champions' of clarity at our Crystal Clear Day event last year.

The ceremony celebrated six EC documents which have been written in particularly clear English.

Mr Kinnock said that the EC's legal drafting 'is sometimes so obscure that most citizens can't possibly know - even after several readings - what the law really says.

'The greatest source of immediate concern must be that explanations of the purpose and content of law, of policy and of decisions lack the necessary clarity.'

He also explained why he thinks clarity is so often lacking in EC documents. 'The reason is not lack of intelligence or fluency amongst the authors - it is lack of care and, maybe, lack of concern for the reader.'

He went on to propose four changes to improve EC clarity.

- Emphasising readability of documents as an 'absolute requirement' for the Commission.
- Putting a 'citizens' summary' at the beginning of each European law to explain its aims in plain English.
- Organising more training for EC staff to learn to write in plain English.
- Changing the EC's publication procedure to include a specific stage of editing for clarity.

Mr Kinnock's views appear to be shared across European politics. EC president Roman Prodi recently warned that Euro-jargon made official documents 'complex and obscure... the public is not convinced its voice is being heard.'

And back in Westminster, the minister for Europe, Peter Hain, said gobbledygook was harming informed debate over European politics.

'We need plain language, not Eurobabble understood only by an élite and virtually unintelligible to a new Europe minister like me, let alone an average voter. At summits, politicians and journalists are trapped in a security-cordoned bubble talking to each other. Then they talk the same summitspeak to a perplexed world.'

Meanwhile the French civil service has begun a crackdown on domestic gobbledygook.

Public office minister Michel Sapin (whose position is the equivalent of John Prescott) has set up a committee to simplify official forms.



Emma Wagner

The group includes language experts and celebrities as well as civil servants. Committee member Josette Rey-Debove said it was unfair that ordinary people receiving a form they could not understand often felt as if they were in the wrong.

Our founder-director Chrissie Maher said she was delighted to see clear communication gaining support across the continent.

'It is good to see European politicians are finally waking up to the need for plain English. It's only two years since we found just 13 of Britain's 87 European Parliament members willing to commit to fighting jargon.

'Now we've won the argument it's time for the EC to adopt a new policy: less talk and more action!'



The latest plain English news from across the Atlantic

A survey shows plain English is on the increase in government departments.

In the latest nationwide survey, 34% said 'yes' to the question 'Is the use of Plain Language writing being emphasised in your workplace?' This is up from 26% a year earlier.

American bureaucrats have taken five years to rewrite a single rule into plain English.

In September 1996, the Occupational Safety and Health Administration (OSHA) started to work to rewrite one regulation, that governing the need for clearly marked emergency exits. The idea was to turn terms such as 'means of egress' into clearer phrases like 'exit routes'.

The deadline for finishing the rewrite has slipped

and slipped. The latest estimate is November this year.

'It is one of those proposals that is still on the agenda,' said an OSHA official explaining the delay. 'Because it's a fairly small rule, it has gotten bumped. They get overtaken by other events. People are on teams and have multiple projects.'

Representative Nita M Lowey (equivalent to a British MP) has proposed a law to make food labelling clearer for people with allergies.

Proposing the Food Allergen Consumer Protection Act, she said that 'food ingredient labels are currently written for scientists, not consumers. Getting accurate, reliable, and thorough information is harder than it should be. This is a serious health hazard, even deadly, for the food-allergic consumer.'

The proposed law would:

- require that food statements list in plain English what, if any, of the eight main food allergens (peanuts, tree nuts, fish, shellfish, eggs, milk, soy, and wheat) are contained in the product;
- require ingredient statements to take into account if any allergens were used in the spices, natural or artificial flavourings, additives, and colourings; and
- require food manufacturers to include a working telephone information number on food labels.

'Our food-allergic children should not be expected to decipher terms like casein, albumin, or miso. You shouldn't have to be a scientist to determine what you and your family are eating,' said Lowey.

Interpreters wanted

A case in the House of Lords could be a boost for clearer language in courts.

The case involved a rape defendant who claimed the accuser had consented to sex. He wished to refer to a previous consensual relationship with the accuser. A strict interpretation of the wording of the Youth Justice and Criminal Evidence Act would not have allowed this.

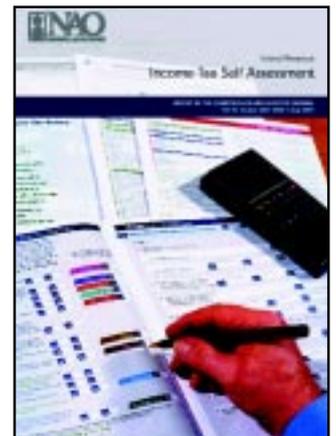
But the Lords ruled that the trial judge should be allowed to interpret the wording to allow the reference if it was the only way to ensure a fair

trial. This ruling came under Section 3 of the Human Rights Act, which said that legislation should, when possible, 'be read and given effect in a way which is compatible' with the right to a fair trial.

The relevance to plain English is that this ruling reinforced the right of judges to interpret a law to fit its general aims, rather than rely on a specific wording that may appear to contradict this.

This weakens one of the main defences of legalistic drafting, that wording has to be 'legally watertight' even at the expense of clarity.

Taxman still on poor form



The self-assessment fiasco continues with more signs that the system just isn't clear enough for ordinary people.

- A report by the National Audit Office (pictured above) shows that the percentage of people who were able to decipher the forms before the deadline has fallen for the fourth straight year.
- For the first time, Inland Revenue officials have a specific target when investigating self-assessment returns. They must aim for a 'successful' result (that is finding a wrong answer) in 75% of investigations. This will of course be a lot easier with complicated forms.
- When a journalist asked Chancellor Gordon Brown how long it took to complete his self-assessment form, he admitted that he needs the help of an accountant.
- And just when you thought we'd seen the last of irritating adverts with the retirement of 'Hector the Inspector', the Inland Revenue has announced a £5.5 million advertising campaign featuring the character Mrs Doyle from comedy 'Father Ted'. The television commercials feature her repeatedly harassing the viewer to send their form in on time.

A waffly good idea

A telecommunications firm has decided to give up waffle - and marked the occasion by giving it away.

It wasn't long strings of words, but rather the finest Belgian breakfast waffles. Hugh Logan, managing director at Your Communications (formerly Norweb Telecom) led a team giving away 20,000 waffles to commuters across the country.

Hugh, pictured right, said that 'the world has gone mad with business-speak. And the phone companies are among the worst of the lot. Ninety per cent of what is said in business could be put more simply.

'If our campaign works then this week will mark the last taste of waffle people get from us.'



Let the train strain a claim

The Advertising Standards Authority (ASA) has cracked down on one firm's small print.

They upheld complaints against Virgin Trains for two advertisements. One promised: 'All tickets half price. (Whichever way you look at it, it's the world's biggest rail offer.) 50% off all fares. Unbelievable as it might sound, we're knocking 50% off all fares from February 5th. The deal, which covers everything from our cheapest Virgin Value tickets to our First Class Business fares, ends on March 4th. Buy now, before we change our mind.'

Another said: 'All tickets half price. All tickets half price. (Just to save

you looking twice.) Unbelievable as it might sound, we're knocking 50% off all fares from February 5th. The deal, which covers everything from our cheapest Virgin Value tickets to our First Class Business fares, ends on March 4th. Buy now, before we change our mind.'

There were only two problems. The offer did not apply to all Virgin routes. And the half-price offer did not apply to railcard holders.

The ASA told Virgin that stating exceptions in footnotes did not make up for the misleading claim in the headlines. They warned the firm that it should check future adverts with the ASA before publication.

Parlez-vous finance?

French phrases are easier to understand than financial gobbledegook.

That's what a survey of the public for a personal finance website showed. The 1000 people interviewed were asked to read a French restaurant menu, an extract from a Shakespeare play, the instruction manual for a video recorder, and a range of brochures for an Individual Savings Account (ISA).

The testing showed that the ISA literature was the hardest to make sense of.

The survey also found that:

- 86% of people didn't know the difference between an ISA and an IFA (Independent Financial Advisor);
- 78% did not understand a 'with-profits' policy (and one in ten thought such a policy guaranteed a profit);
- 82% were baffled by 'CAT standards'; and
- 54% could not choose the correct meaning of 'unit trust' from a range of possible answers.

Plain English Campaign Awards 2001

We have now confirmed this year's Plain English Campaign Awards ceremony for Thursday 6 December at the Brewery in London's Chiswell Street.

We are still looking for nominations in the following categories.

- Plain English (open to any document except those that our editors have worked on)

- Inside Write (for internal government and civil service documents)
- Golden Bull (for atrocious gobbledegook)
- Foot in Mouth (for a baffling quote by a public figure)

Please send nominations to PO Box 3, New Mills, High Peak, SK22 4QP. The closing date is 30 September.



If you have a piece of waffle you want exposed, our new-look website can give it the Martini treatment. We can make the twaddle available for ridicule any time, any place, anywhere!

Our website now features a searchable gobbledygook archive. We are gradually adding every example we have on file, so if it's contractual claptrap, legal linguistic lunacy or town-planner twaddle you want, there's sure to be something to leave you scratching your head.

We have also added a specialised news search, which looks through our archive of press releases, news stories and back issues of 'Plain English' magazine.

The site itself has been redesigned to make it easier to find your way round, and the pages now load twice as quickly. The site is also now more accessible to people with disabilities.

If you have internet access and haven't visited us yet, please do take a look at:

www.plainenglish.co.uk

Edex-hell

Exam board's waffling causes misery for students

You would have thought further education was the place to learn about communicating ideas in a clear and straightforward fashion.

Not so if you have to deal with one examination board. Students at Southport College received a baffling set of notes from the board, Edexcel, to explain what they must produce before starting a major art project. But what exactly this 'statement of intent' should say is not exactly obvious. As one section says:

'Unit 8 parallels Unit 9 and is essential to support your Statement of Intention and Final Major Project. The work produced through Unit 8 should underpin the contextualisation of your preparatory and supporting studies for the Unit within your chosen pathway, particularly through the opening Statement of Intention.'

A group of 19 students have formally complained to the college about these notes, saying the document 'expresses itself using an unnecessary and elitist style of writing... [it] has the effect of making younger students think this

is what industry wants. What industry requires in reality is clear concise language.'

One of the students is a retired tax inspector - somebody well versed in the world of complex language - and it took him almost three days to fight his way through the document.

Southport College staff agreed that the document was 'exceedingly inaccessible and alienating'. They have complained to Edexcel.

When Plain English Campaign contacted Edexcel, they eventually admitted that 'some of the language is jargonistic and technical.' They claimed the document was written as guidance for tutors, rather than students. They even claimed that it was 'bad practice' for tutors to give the document to students.

This argument does not stand up. The document repeatedly uses the terms 'you' and 'your', and directly addresses the **student** and not the tutor.

The Department for Education and Skills followed up the various complaints and have persuaded Edexcel to immediately revise the document for the autumn term.

The Real World

The uncensored views of our founder-director Chrissie Maher

As a campaigner, I have been called many things over the years. Some names have been crude, some offensive and many were ill-informed. But until recently I never expected to be called a Southerner!

Let me explain. Recently we got a call from a lecturer at a community college in County Durham complaining that a course on basic literacy skills was being advertised using the slogan 'Gan on'. We agreed with the lecturer that using local dialect was likely to be a

barrier to people with a limited vocabulary or English as a second language.

The lecturer then sent us a fax, from the 'Principal's Office' no less, and asked us to write down our thoughts and send them back to him.

Well, there are no prizes for guessing what happened next. Within a day, the Press Association mysteriously got their hands on the story and we were cast as the villains of the Northeast.

There were heated radio debates and passionate radio interviews. The story was spun to make it look as if we had launched an attack out of nowhere. One newspaper even suggested our staff should 'al gan boil their heads'.

Now, I'm not going to sit here and condemn the college for a clever

Food for thought



An advisory committee to the Food Standards Agency has announced a review into the claims that manufacturers make on their labels.

The announcement follows a two-year study that began over concern about the varying uses of the word 'fresh'.

The report suggested that consumers' main concerns are portion sizes, ingredients and freshness, with less importance placed on allergies, genetically modified food, and food additives.

According to the committee, manufacturers 'are looking for short, punchy product descriptions to describe industrially produced food in terms familiar to the consumer, but with a tendency to gloss over the ingredients and processes of the food manufacturing industry.'

The committee's proposals are shown in the box to the right. It also suggested that firms should not use misleading pictures, for example showing a domestic kitchen on the packaging for factory-made food.

The proposed definitions

- **Natural** foods are those with nothing added and where the only processing has been to make them safe for humans to eat.
- **Pure** foods are those with nothing added and which cannot have been mixed with other foods, even by accident.
- **Traditional** foods should have been produced in the same way or to the same recipe for a certain length of time, depending on the food.
- An **original** recipe should be one that has not changed substantially since it was first used.
- **Authentic** should not be widely used. It is only appropriate in certain circumstances, such as 'authentic Devon toffees' that are genuinely produced in Devon.
- **Home-made** should not be used for food produced in a factory or manufacturer's commission. A home-made food should not be produced using pre-prepared ingredients.
- **Farmhouse** should only be used when the foods are literally produced in the home of a farmer. The only exception should be for 'farmhouse' loaves which are a particular shape and style.
- **Country style** should not be used as it has no specific meaning.
- The meaning of **fresh** is still too vague and needs wider consultation.

Transcription troubles

Whenever we appear on the radio, we get a note from a broadcast monitoring company to see if we are interested in getting a transcript of the programme. Unfortunately, as this example shows, they sometimes use their own form of English.

'Camp. For Plain English some forms written as if put all words in a hat and drawn out at random.'

publicity stunt. In fact, I'm told they are notorious for such tricks.

And it didn't seem to do anybody any harm. We've had several enquiries from organisations in the Northeast thanks to the story. And anything that gets wider publicity for a literacy course is very good news in my book.

The only thing that concerned me was a letter in one newspaper from a lady who said she normally supported our efforts and our cause, but that we were out of line.

So just for the record, I'm not an accent or dialect

snob. Let's be honest, a Scouser like me could hardly get away with it! I'll never forget the time my son-in-law, a teacher, had to mark a pupil's story and it was, to say the least, very explicit. It turned out the child had misheard 'another lady' as 'a nuder lady'.

But there remains one thing about the whole affair that left me speechless. Sitting at my desk in North Derbyshire, I was bemused to read one journalist contemptuously dismiss us as 'southern-based'. I guess everything is relative!



Righting the wrongs

We often say that plain English is a right, not a privilege. Fortunately the efforts of Plain English Campaign and other consumer groups have led to a surprisingly wide range of rules that mean financial firms should not give you gobbledygook.

We will always take up your case when a lack of clarity affects your financial dealings, but this guide may give you a better idea of what you are entitled to from finance firms - and how to make sure that you get it.

Financial Services Authority



What do they do?

The FSA is the organisation that regulates the financial industry. They have a list of duties they must carry out by law, one of which is to promote public understanding of the financial system.

Do they have rules on the clarity of financial information?

At the moment there are no specific rules. However, the FSA does have tremendous powers to regulate what a firm can and cannot do.

The FSA and the finance industry have had a public slanging match over jargon, giving the impression that plain English has become a pawn in a political war over the FSA's powers.

It is not yet clear whether the FSA will try to clean up jargon through heavy-handed rules or by encouraging a culture where plain English is something firms see as something worth doing.

How can the FSA help at the moment?

You can call their consumer helpline on **0845 606 1234**. There is also an independent consumer panel (**020 7676 9346**).

Association of British Insurers



What is this logo then?

It's the PPIAB-administered 'Raising Standards' logo, the first result of the ABI's SALTR project.

You've lost me. What does the symbol mean?

Apparently the mark reflects two concepts:

'Certification - represented by a side-on image of a scroll, and also a signature from the Accreditation Board, denoted by the two Ps and the I.

'Protection - conveyed through the abstract interpretation of arms encircling the centre to offer protection.'

Please can we start at the beginning?

The Association of British Insurers runs a project called 'Savings and Long Term Risk' to improve customer service in the industry. The project's first major act was to set up the Pensions Protection and Investments Accreditation Board. This board will award the logo above to firms who meet an agreed set of standards. One of these standards is to use plain English.

Alphabet soup and logo-mocking aside, the scheme should encourage firms to communicate clearly. If the scheme does not succeed, the insurance industry faces the risk of tough regulation by the FSA. For more details on the scheme you can call **020 7617 4279**.

The Treasury



Charges

Access

Terms

What on earth is that?

It's a 'catmark', showing that an Individual Savings Account meets the Government's CAT standards, which cover charges, access and terms.

But you've drawn it yourself!

Yes, that's true. The whole issue can be quite confusing as many firms have created their own 'catmarks'. This completely contradicts the Treasury's warning that 'the term CATmark should be avoided as it may mislead savers by implying that there is an associated logo.'

Hmm. Anyway, where does plain English come into it?

The CAT standards say that 'providers of CAT standard ISAs must be committed to treating customers saving through these products fairly. This includes use of plain English, together with generally avoiding complex or misleading features in product design. So far as possible CAT standard ISAs should be simple, clear and fair.'

What if the firm isn't using plain English?

Any firm can describe its ISA product as 'CAT standard' if it claims to meet all the rules. In most cases there can be no argument over whether the rule is followed. With the plain English requirement, nobody has decided what does or does not break the rules. If a firm claims to meet the CAT standards but you believe they are not using plain English, you can report them to the Financial Services Authority (**0845 606 1234**) or the Treasury (**020 7270 4558**).

British Bankers Association

What do they do?

The BBA is the trade organisation of 300 banks in Britain.

How do they fight jargon?

The BBA runs a voluntary scheme called 'the Banking Code'. This is an agreement to certain service standards.

One of the commitments in the code is that the bank will 'give you information about our products and services in plain language, and offer help if there is anything you do not understand.'

Another says that 'all written terms and conditions will be fair and



will set out your rights and responsibilities clearly and in plain language. We will only use legal or technical language where necessary.'

What do I do if my bank doesn't meet this commitment?

First of all, ask if your bank has signed up to the code - nearly all have. If your bank has signed up, you can point out that they their lack of plain English breaks the rules.

If they do not take suitable action to meet their commitment, you can report a breach of the code to the BBA. Call **020 7661 9694** for more details.

Council of Mortgage Lenders

What do they do?

The CML is the trade association made up of virtually every bank, building society or other firm that provides mortgages.

Do they have any rules on jargon like the British Bankers Association?

Yes, the Mortgage Code covers this. In fact the wording of the commitments on plain English is virtually identical to those in the Banking Code. Firms subscribing to the Mortgage Code must also agree to use only 'fair' and 'not misleading' adverts and promotional material.



Is it just lenders that agree to follow these rules?

No, the code has similar rules for mortgage intermediaries - firms that arrange mortgages on your behalf.

So where do I complain if my mortgage provider is using gobbledeyook?

First of all try the firm themselves. If they can't or won't help, there will be an independent complaints scheme (which one it is depends on the type of firm). Your provider must give you details of this. If all else fails, you can report a breach of the Mortgage Code on **01785 218200**.

Advertising Standards Authority

What do they do?

The ASA is the advertising industry's self-regulating body. It considers complaints from the public about adverts that are not 'legal, decent, honest or truthful'.

What are their rules on financial adverts?

There are four specific requirements.

- Adverts must not take advantage of people's inexperience.
- Any limitations or withdrawal penalties must be made clear.
- The method used for any forecasts or rates of interest must be clearly stated.
- Adverts must point out that the value of



investments can go down as well as up and that past performance does not guarantee future success.

Are financial adverts particularly bad?

About 5% of the complaints the ASA gets each year are to do with financial adverts.

What does the ASA do with the complaints?

In recent years, the ASA has upheld about one in ten complaints about financial adverts. In these cases, the ASA will ask firms to change or withdraw an advert. If the firm refuses, the ASA can prevent them booking further advert space. For more details on how to complain, call the ASA on **020 7580 5555**.

Office of Fair Trading

What do they do?

The OFT is a government organisation that protects consumer rights and encourages competition.

What do they do about financial jargon?

The OFT can take action against firms that break the rules on unfair contract terms in consumer contracts - those between a company and an individual. These rules include a legal requirement that there are no unclear terms in the contract.

What action can they take?

Ultimately, if a court agrees that a term is ambiguous, it can interpret it in whichever way best favours the consumer.



In practice, the OFT will warn a firm that a clause could fall foul of the regulations. So far every firm that has got such a warning has rewritten the term rather than risk going to court.

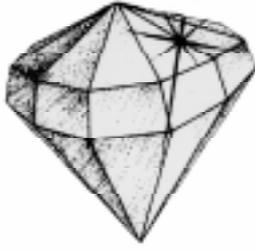
Last year, the OFT ordered 114 firms (from all industries) to rewrite unclear terms.

Is it just a 'no long words' rule?

No, the OFT also look at whether the document has too many cross-references and whether the typesize and layout make the document illegible.

How do I report an unclear term?

Phone **020 7211 8800** and ask for the 'Unfair Contract Terms Unit'.



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

Argyll & Clyde Health Board
Britannia Rescue
British Airways plc
Central Services Agency
Comhairle Nan Eilean Siar (previously Highland Council)
Devonport Royal Dockyard
Pension Trustees Limited
Eagle Star
Electoral Commission
GPU Power UK
Grosvenor Casinos
Hayward Medical Communications
IntraMed
Isle of Man Department of Health and Social Security
Loans.co.uk Limited
London Fire Brigade
Merril Lynch Investment Managers
Motability
Myshares Limited
Napier University
NFU Services Limited
Rate Collection Agency
Rowe and Maw
Royal Academy of Arts
Siemens Shared Services Limited
Small Business Services
Student Awards Agency for Scotland
Tayside Health Board
Training Organisation for the Personal Social Services
TRW Equipment Services
Tynedale Housing Limited
UIA (Insurance) Limited
Watson Wyatt Partners
Zero Depreciation Limited
Zurich Financial Services

Training diary

We still have places left on the following courses. They are all our standard one-day plain English course unless stated.

August:

- Thursday 16 (London)

September:

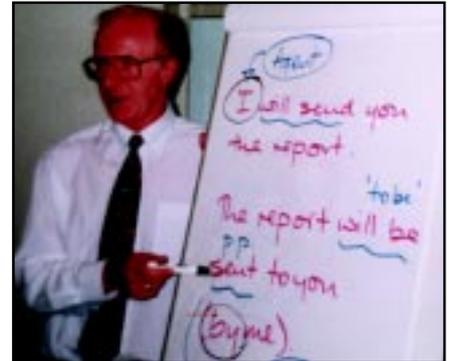
- Wednesday 12 (London)
- Thursday 13 (Manchester)
- Wednesday 19 (focusing on grammar, London)

October:

- Wednesday 3 (focusing on layout and design, London)
- Wednesday 10 (London)
- Wednesday 24 (focusing on Housing Tax and Council Tax Benefit forms, London)
- Tuesday 30 (Glasgow)

November:

- Tuesday 13 (London)
- Wednesday 14 (focusing on medical writing, London)
- Thursday 22 (Manchester)



December:

- Friday 7 (focusing on legal agreements, London)
- Thursday 13 (London)

For more details on any of the courses, please call Helen Mayo on **01663 744409**.

You may be able to get a 20% discount on the courses through the Government's Individual Learning Accounts scheme.

We also have a range of courses available for learning through the internet. Please visit our website www.plainenglishtraining.com for more details.

First-class service

Do you ever find yourself hoping a letter to the public is clear and correct - but your budget and your deadline mean you can't make sure?

With our new letter-checking service, our editing team will check your letter and return it within 24 hours. We will let you know any problems with:

- spelling;
- punctuation;
- grammar;
- tone; and
- clarity.

This service costs just £50 + VAT for any letter up to 500 words. All you have to do is fax your letter to us on **01663 747038** and ask for our letter-checking service.

We will send you an acceptance form to sign and then send you an invoice with our report.

If you have any questions, please call Tony Maher or Sylvia Woodall on **01663 744409**.

Coming next issue: a special celebration to mark the 50th edition of 'Plain English' magazine.

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