



Coroner's self-confessed 'rant' for plain English

The long inquest into the London terrorist attack of 7 July 2005 has ended with a plea for plain English from coroner Lady Justice Hallett, who complained that jargon used by emergency services managers might hinder rescue work. Her remarks were provoked by the assistant commissioner of the London Fire Brigade, Gary Reason, explaining how the service had replaced 'ranks' with 'roles'. Lady Hallett told him:

As far as I can tell, management jargon is taking over organisations and perfectly sensible, straightforward titles are being changed. This isn't just somebody being pedantic about the use of English, which it appears to be – when it comes to managing incidents, people don't understand what the other person is. I don't know whether a crew manager is somebody who is responsible for supplies or is used to fighting fires.

Questioning whether another service would understand if they were told a 'management conference demountable unit [a mobile control-room] is on the way from the management resource centre', Lady Hallett concluded:

What worries me is all you senior people of these organisations are allowing yourselves to be taken over by management jargon...I just think that you people at the top need to say we have to communicate with people in plain English.

She said obscure language had been an ongoing theme of the inquest. She had herself criticized a senior official from London Underground for his 'ludicrous use of English', and Hugo Keith QC, counsel for the inquest, had said they had been 'treated to acronym after acronym'. Lady Hallett apologized for her 'rant' but added:

If you could do anything when you meet up with your fellow senior officers in whatever organisations to encourage the use of plain English, I, for one, would be enormously grateful and I think it would make everybody just that little bit more effective.

[Sources: *The Independent*, 4 March 2011:

<http://www.independent.co.uk/news/uk/home-news/conspiracy-theories-debunked-on-final-day-of-77-bombing-inquest-2231797.html>; and *Telegraph*, 8 March 2011:

<http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/8359841/77-Coroners-appeal-for-plain-English.html>]

Where would plain English improve justice?

Daphne Perry of ClarifyNow asks: 'Where would plain English make the most difference to justice? Court forms? Rules of court? Court orders?' Daphne believes that in the Crown Court, the judge's directions to the jury are a contender; in her latest article, just published in *Counsel*, the monthly journal of the Bar of England and Wales, she asks:

Does the 2010 Crown Court Benchbook, which moves away from specimen directions to ones specifically tailored to the individual case, help jurors understand the summing up – or is it still like a foreign language to them? Should trial judges abandon legal language in their speeches or are written questions to the jury the answer?

The article includes the following excerpts from the 2009 and 2010 Benchbooks:

2009 Benchbook

You are entitled to draw inferences, that is come to common sense conclusions based on the evidence which you accept, but you may not speculate about what evidence there might have been or allow yourselves to be drawn into speculation.

2010 Benchbook

The evidence is complete and it is not possible to hear more. The jury should not speculate about evidence which has not been given and they should decide the case on the evidence which they have seen and heard.

Wondering whether the wording could be clearer still, Daphne suggests:

There is no more evidence. Decide the case based on what you have seen and heard. Do not guess about what else there might have been.

If you have ideas about where else in the legal system we could save time and money by using simpler, clearer language, you can contact Daphne on daphneperry@clarifynow.co.uk.

Meanwhile, the Law Society is looking at ways to reduce bureaucracy in the contract requirements and forms of the Legal Service Commission (LSC). The LSC – a customer of ours – is willing to consider some changes to forms to make them simpler to complete, which might reduce the administrative burden on practitioners. You can send your ideas for clarifying forms, audits and contracts to defendinglegalaid@lawsociety.org.uk, or see <http://www.lawsociety.org.uk/newsandevents/news/view=newsarticle.law?NEWSID=435062>.

Plain language in a City law firm

In early 2007, City firm Nabarro adopted the slogan 'Clarity matters', which is still a feature of its marketing today. At the next breakfast meeting of Clarity (the international organization promoting plain legal language) in London on Tuesday 29 March, Nabarro's Head of Knowledge, Mark Collins, will speak about the reality behind the branding. Guests are welcome, though non-members are asked to join Clarity if they come a second time. For more information, email daphneperry@clarifynow.co.uk.

PLAIN conference returns to Europe

Stockholm is welcoming prominent Swedish and international plain-language experts as Sweden – long a plain-language pioneer – hosts its first Plain Language Association International (PLAIN) conference in June 2011. The theme of the conference is 'Establishing the framework for plain language'. An early-bird offer is available until the end of March (also the deadline for submitting your proposal to present a paper). For more information, see <http://www.plain2011.com/>.

Election materials accredited for clarity

Elections will take place to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly on 5 May, and a UK-wide referendum on the Parliamentary voting system is scheduled for the same day. In some parts of the UK, there will also be elections for local government, and parish and town councils.

Under its legal duty to promote public awareness of electoral systems and the referendum, the Electoral Commission has published a series of booklets. There are separate versions for England, Scotland, Wales and Northern Ireland, and every household will receive a copy of the relevant booklet in the next few weeks. In developing the booklets, the Electoral Commission consulted experts on electoral systems (from both academia and the Cabinet Office) on the accuracy of the explanations, and Plain Language Commission on the clarity of the text.

We have helped ensure that the booklets – and other materials for the May polls and referendum (including poll cards, polling booth notices, voting guides, and postal and proxy voting documents) – are as accessible as possible, giving Clear English Standard accreditation to more than 30 documents. Our specialist advice on the information booklets has been backed up by in-depth interviews, coordinated by the Central Office of Information, to double-check that voters understand the text of the documents and find the design helpful.

Clinton Proud, Head of Campaigns and Public Information at the Electoral Commission, said:

It is crucial that the information we provide on the elections and referendums on 5 May is as clear as possible. The work of Plain Language Commission has been vital in helping us ensure that complex information we are communicating can be presented in a way that the voter can understand and use.

You can view all the booklets on line at <http://www.electoralcommission.org.uk/news-and-media/public-awareness-campaigns/public-information-on-5-May-2011-elections-and-referendum>. You'll also find more about the process of developing and promoting the booklets, including the results of the interviews with members of the public.

The BBC will be pleased that the booklets do not mention 'reform': it has banned its journalists from using the word when covering changes to the electoral system, because this would break impartiality rules. An internal memo seen by *The Independent* advises staff: "'Reform" explicitly contains a definition of improvement.'

[Source: *The Week*, 29 January 2011]

Competition: spot the speciousness

We're often told that some piece of gobbledegook is mandated by law or another authority. Such was the case for this wording, relating to banking charges, which was allegedly required by the Office of Fair Trading (OFT):

If you use your account to make payments when you:

- do not have enough money in your account and have not agreed a planned overdraft with us, or
 - the payment takes you over the limit of your planned overdraft;
- you may have to pay bank fees as a result.

Because the text contains an error, plus a structure that's not in keeping with plain-language guidelines, we wrote to the OFT to question it.

To enter our competition to win a copy of Martin Cutts's *Oxford Guide to Plain English* or *Lucid Law* (your choice), email us at pikestaff@clearest.co.uk by Friday 15 April (using 'Competition' as the subject line) with:

- your summary of what's wrong with the existing text
- your suggested rewording.

We'll announce the winner – and tell you how the story ended – next month.

Linguistic Link: Unfair Terms in Consumer Contracts

The OFT is one of the main enforcers of the Unfair Terms in Consumer Contracts Regulations 1999, which require that a 'seller shall [that is, must] ensure that any written term of a contract is expressed in plain, intelligible language'. The OFT says: 'A term is open to challenge as unfair if it could put the consumer at a disadvantage because he or she is not clear about its meaning – even if its meaning could be worked out by a lawyer.' You can see guidance on unfair terms in specific types of agreement, and case reports on contract terms the OFT has ordered to be rewritten or deleted, at <http://www.of.gov.uk/OFTwork/publications/publication-categories/guidance/unfair-terms-consumer/>.

Devil's in the detail, says OFT, after small print imperils immortal souls

As part of its remit to enforce the Unfair Terms in Consumer Contracts Regulations 1999, the OFT says that 'jargon-free language is of no value to consumers unless it is in legible print'. A new market study of consumer contracts has found that one in 5 people experienced a problem with these in the last year, leading the OFT to remind businesses that consumer contracts must be clear and have no unwelcome surprises buried in the small print.

Heather Clayton, Senior Director of the OFT's Consumer Group, said:

On the one hand, we all know that people don't read the small print of contracts. On the other, small print is a necessary fact of life and consumer law isn't there to protect the careless or the over-hasty. This report reconciles the need for small print with the real life behaviour of consumers and sets out the OFT's expectation that consumers should be free to focus on the main elements of the deal, confident that there will be no unwelcome surprises in the small print. This report gives clear guidance to businesses and it will help them to assess whether their contracts need reviewing to make sure that their customers are treated properly. Transparent business practices build trust in markets, and allow people to shop around to find the best deal for them, stimulating effective competition and strengthening innovation and growth.

British retailer Gamestation last year made the news when it revealed that it had legally acquired the souls of thousands of online shoppers by inserting a clause in its small print that included the statement: 'By placing an order via this website, you agree to grant us a non-transferable option to claim, for now and ever more, your immortal soul.' The term was inserted as a joke, but to make the serious point that too many people are unaware of the small print. (The company did not enforce its ownership rights, instead emailing customers nullifying any claim to their souls.)

You can read OFT's report and find out more about the market study at <http://www.of.gov.uk/consumer-contracts>.

[Source: *The Week*, 1 May 2010]

Drugs packaging gets plain-English makeover

Research by the British National Formulary (BNF), the drugs bible of doctors, nurses and pharmacists, has found that labels printed by pharmacists are sometimes misleading. The study, carried out by Professor Theo Raynor and his team at the University of Leeds, found that phrases such as 'may cause drowsiness' are not easily understood; this will be simplified to 'this medicine may make you sleepy'.

The scientists tested a variety of phrases – and clearer-English alternatives – on 200 people aged 20 to 80. They found that many people thought 'avoid alcohol' meant that they should just reduce their alcoholic intake, while 'do not drink alcohol while taking this medicine' was more likely to be properly understood. Similarly, 'take at regular intervals' caused indecision, and will be replaced by 'space the doses evenly throughout the day'. Other difficult instructions included 'do not take indigestion remedies at the same time of day as this medicine' (which will become 'do not take indigestion remedies two hours before or after you take this medicine'), and 'do not stop taking this medicine except on your doctor's advice' (to become 'warning: do not stop taking this medicine unless your doctor tells you to stop').

The switch to clearer language aims to help ensure that patients take their medicines properly, so improving the effectiveness of the drugs and minimizing the risk of unpleasant (or even dangerous) side effects. Professor Raynor said:

It is vital that wordings on labels are simple and straightforward. Most medicines do contain leaflets providing detailed information for patients, but these leaflets can get lost or overlooked. Patients' behaviour tends to be guided by the instructions on the outside of medicine bottles and packets of pills, so these must be as clear and unambiguous as possible.

The software used by large pharmacy chains and independent pharmacist to print instruction labels is updated regularly, so we would expect to see these new phrases appear within the next six months.

But writing in the *Belfast Telegraph*, Natalie Haynes claims that 'like so much public language in this country, medicine bottles are a testament to our collective brevity and commonsense'. She thinks that the group on which Professor Raynor and colleagues tested the wording was not representative of the wider public:

One of the problem phrases was 'Avoid alcoholic drink'. Apparently, some people think this means they should limit their alcoholic drink, rather than avoid it. It will be changed to read, 'Do not drink alcohol while taking this medicine', which is, according to Prof Raynor, "far clearer".

And I'm sure he's right — it is far clearer, if you are dealing with someone who assumes the phrase 'avoid like the plague' means 'embrace like a long-lost brother'. Or that 'tax avoidance' means 'paying all the tax in the world'.

For everyone else, and I think we can assume that means everyone who wasn't in their research group, it is markedly less clear.

'Do not drink alcohol while taking this medicine' is a time-limited instruction. One could easily read it to mean that so long as you don't actually swig down the pills with a bottle of brandy, that's fine. Actually, give it five minutes and you can probably crack open the methylated spirits.

...‘Avoid alcoholic drink’ is succinct and accurate. If you choose to read it as ‘Why not have a chaser with that penicillin?’ then the consequences of that are, frankly, the harsh reward for not paying attention at school. Or in the world in general.

[Sources: *The Week*, 12 March 2011; *Telegraph*, 4 March 2011: <http://www.telegraph.co.uk/health/healthnews/8360157/May-cause-drowsiness-too-confusing-for-modern-medicine-labels.html>; *Belfast Telegraph*, 10 March 2011: <http://www.belfasttelegraph.co.uk/opinion/news-analysis/when-our-plain-english-becomes-blinded-by-science-15109769.html>]

Dialectical empires strike back (again)

Did Julia Buckland realize what she was starting when she produced her Derbyshire-dialect version of our Christmas competition bin notice (see *Pikestaff* 45 and 46)? This month, Ange Moore adds her version, this time using ‘one of the varied Black Country dialects’:

Oi Mush. Win sick a tellin ya – dow laeve ya bin in the rung plerce. We aye s'posed te teck it offer yowr property. Yow ata purit by the side a the rowd, but dow block the pervment or rowd wi it. Next 'ime weil laeve it. Gerin touch if yow aye shewa. Ta.

Any more for any more?

Funny finalities

To end this month’s newsletter, we have a few funnies spotted by our spies:

- LA Bowl advises guests: ‘If anyone in your party has not bowled before, please tell a receptionist who will pleased to help you.’ So don’t go bothering any unhelpful ones, then.
- The instructions for a ‘lint remover’ (a handheld machine that chops bobby bits off clothing) advises: ‘Do not use as a Lint Remover for the human body.’ That may be more easily said than done if you follow the next instruction: ‘Do not use remover while wearing your garments.’
- The packaging of a soft toy that suckers onto your car window advises: ‘Do not place where driver visibility could be imp a red.’

We suspect a misspelling was fast followed by an ill-advised acceptance of a spellchecker’s substitute in that last one. Remember: tree add care fully with brain less gad gets suggest ions. For further proof, take a look at <http://damnyouautocorrect.com/>, a blog – and soon to be a book – of embarrassing ‘auto correct moments’ (mainly from predictive text on mobile phones). Writer Jillian Madison comments: ‘And if you don’t like this website, we’re sorry, but you can go to ducking he’!!!’

Back issues

You can see back issues of *Pikestaff* on our website (click on ‘Newsletter’). Here you’ll also find a table that summarizes each month’s content.

Tell a friend

If you think friends or colleagues would enjoy *Pikestaff*, please feel free to forward the newsletter (or any part of it) to them.

Spread the word

We're happy for you to use any of our articles to promote plain language, provided you acknowledge *Pikestaff* as the source.

Rolling the credits

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