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# FAMILY JUSTICE, TURBULENT TIMES AND DEMARKING THE SPACE FOR SOCIAL JUSTICE ACTIVISM IN CLINICAL LEGAL EDUCATION

Dr Jeffrey Wale



# BACKGROUND

- New Clinical Legal Education provision in South West England (Bath and Northeast Somerset (BANES))
- HEQR funded research:
  - Regional impact of COVID-19 upon access to family justice
  - Importance of mapping regional support services (Drummond & McKeever, 2015)
  - Role of social justice activism in legal learning from different stakeholder perspectives
  - Opportunities to refocus future and ordinary times thinking



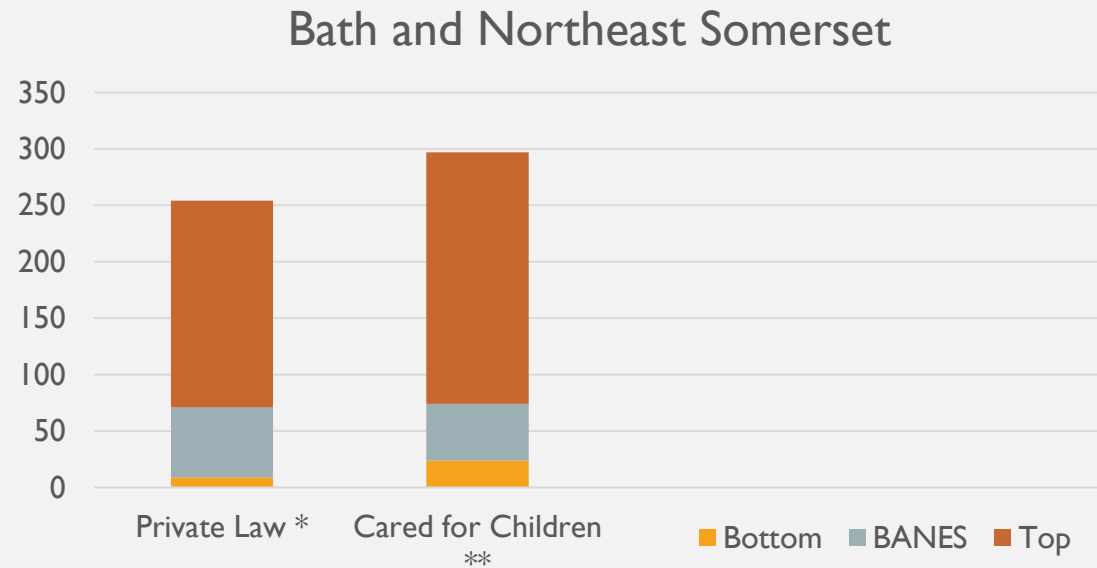
## **Bath Law Clinic**



Bath &  
North East  
Somerset



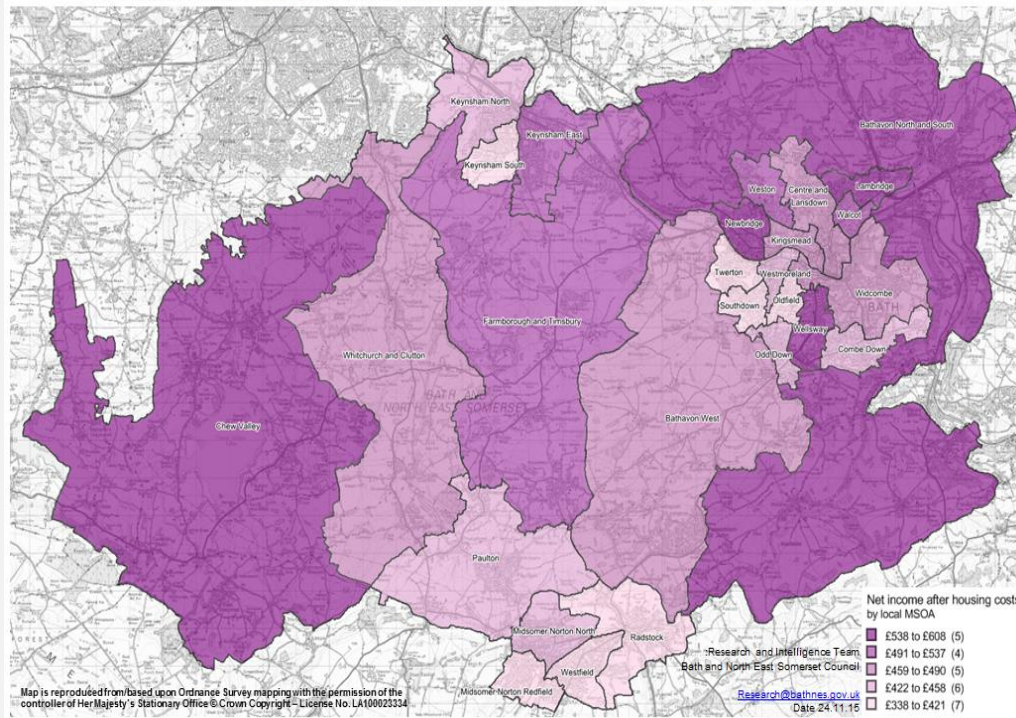
# BANES: LANDSCAPE PRE COVID-19



- Applications per 10,000 families with dependent children 2019/20 (Nuffield Family Justice Observatory);
- \*\* per 10,000 children in March 2020 (DFE)

# BANES: SOCIO-ECONOMIC INEQUALITY

NET household weekly income after housing costs in Bath and North East Somerset

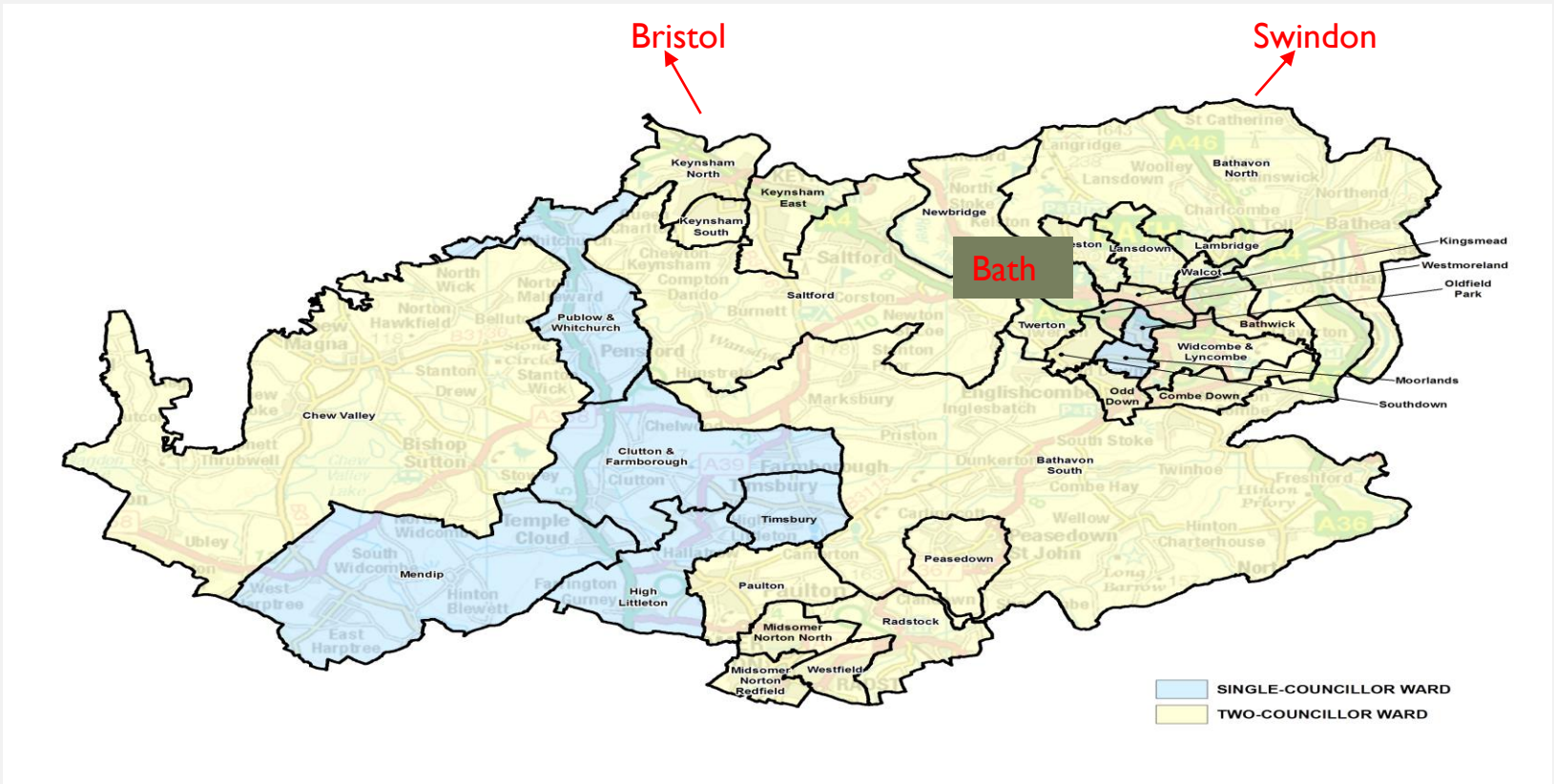


Area ranks 269 out of 317 local councils\* but some areas are designated as the most deprived in the UK (e.g., Twerton, Keynsham Wellsway, Foxhill North)

- Affordability of housing
- 13% children live in poverty (CAB 2022; BANES Council)
- Escalation of debt: e.g., 16% increase in debt issues in Twerton over the last year (2021/22)
- ++ domestic abuse referrals: e.g., Southside project reported that 2020-21 referrals were 26% higher than in 2019-20 (from 511 to 643)

\* one being the most deprived

BANES:  
FAMILY JUSTICE





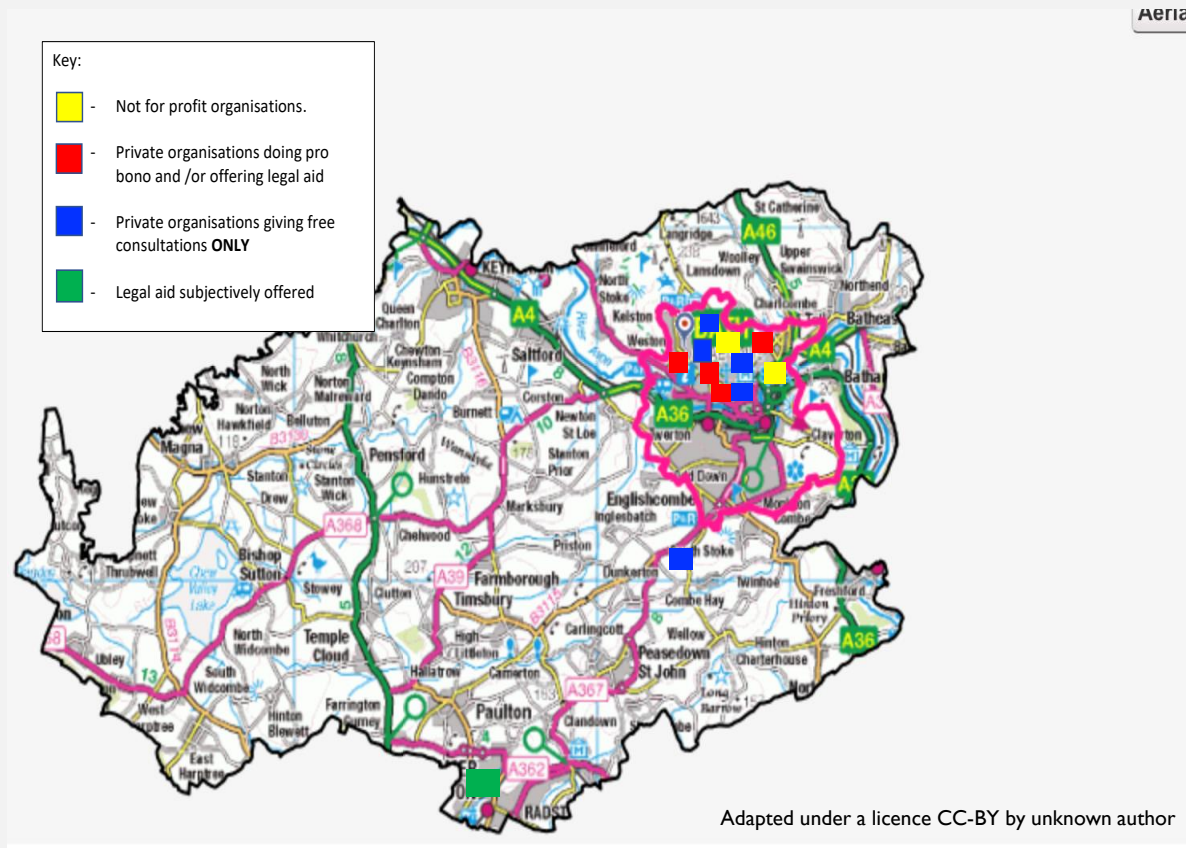
# BANES: FAMILY LAW SUPPORT SERVICES



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- Do existing services respond to regional need?
  - During the pandemic new channels of online support but some deterioration of existing channels (e.g., Citizens Advice BANES lost 150+ clients during 2020-21)
- What services offer the greatest reach?
- Relational support and collaboration
- Many users have to travel outside the region to access courts and advice
- What about those that cannot travel or access online platforms?

# BANES: FAMILY LAW SUPPORT SERVICES



- Direct telephone contact
- Drop-in surgeries
- Face to face and online appointments
- Home visits
- Informational signposting
- Written advice
- Forms and drafting assistance
- Representation and advocacy
- Support at Court
- Contact Centres



# A ROLE FOR CLINICAL LEGAL EDUCATION (CLE)?

## **QAA Law Subject Benchmark Statement 2019**

- The common denominator is the requirement on the student to apply their understanding of legal principles, rules, doctrine, skills and values
- Awareness of the consequences of law as human creation... securing justice and the public interest
- Employability (beyond the legal profession) + recognition of work/clinic-based assessments
- Impact of the SQE!

## **Clinical Legal Education> different forms, different aims**

- Commoditization and competition>public/private hybrid model (Syson, 2020)
- Students as actors rather than passive observers
- Developing personal and professional competencies/values
- Enhancing employability
- Facilitating awareness of marginalised groups, access to justice, ethical responsibilities etc.

# CLINICAL LEGAL EDUCATION AND SOCIAL JUSTICE

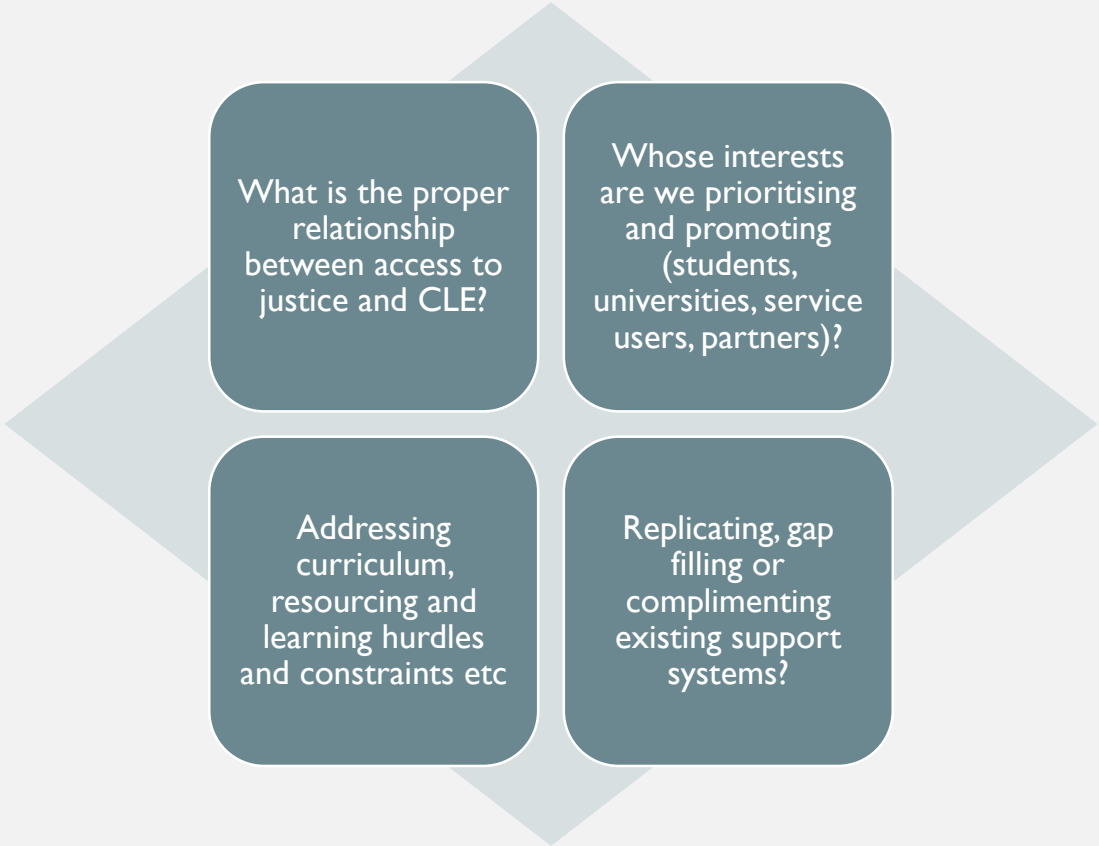
## **How far should the social justice mission go?**

- Division within the academy (Drummond & McKeever, 2015)
- Balancing conflicting stakeholder interests
- Raising awareness, integrated mission or serving unmet legal need as a bi-product of learning? (Yeatman, 2018; Grimes, 2018)
- Educating in a broken system! Band aid approach (Cahn & Gray, 2018; Akuffo, 2019)
- UG v PG? Curricular vs co-curricular learning? Constraints?

## CLINICAL LEGAL EDUCATION: ACTIVISM

- CLE is objectively politicised if purposefully active beyond training (Akuffo, 2019)
- Whose priorities and concepts of social justice should be promoted (Ashford & McKeown, 2018)?
- Diverse student populations and motivations for undertaking CLE
- Excusing, limiting or removing state responsibility for access to justice (Marshall, 2021)

# RECALIBRATING ORDINARY TIMES THINKING



What is the proper  
relationship  
between access to  
justice and CLE?

Whose interests  
are we prioritising  
and promoting  
(students,  
universities, service  
users, partners)?

Addressing  
curriculum,  
resourcing and  
learning hurdles  
and constraints etc

Replicating, gap  
filling or  
complimenting  
existing support  
systems?

## CLOSING REMARKS

- At stakeholder/institutional level:
  - Develop a shared and transparent understanding of key aims, values and priorities before building partnerships and learning in relation to CLE
- Review modes of CLE service and stakeholder impact in a post COVID-19 world
- Expand service user options via collaboration and external relationships but recognise the potential for conflict and constraint
- Tailor and stratify curricular and co/extra curricular learning options to maximise choice, opportunities and to avoid conflicts of interest
- Broader issues remain about the role of legal education post SQE/ Augar review

# ACKNOWLEDGMENTS

Thank you for the contributions by Niamh Stanley and Marta Kulikowska



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