

Factsheet 5

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Client care and communication

Good client care and effective communication helps ensure access to justice, encourages constructive client participation and leaves clients feeling supported and listened to. This factsheet provides advice and guidance on effective client care and communication when dealing with vulnerable immigration clients¹.

In addition, some people are concerned about doing or saying the ‘wrong thing’ and offending people when it comes to vulnerability. This factsheet can help you to raise what can sometimes be difficult conversations with other members of chambers around appropriate communication, tone and use of body language.

Tips for the first meeting

The majority of non-professional clients seeking immigration advice will be vulnerable in some way². The first meeting provides a crucial opportunity to explore clients’ needs and identify vulnerabilities. The list below provides advice on how to conduct the first meeting.

- **Consider language requirements** – do you have translated materials in the client’s native language? Does an interpreter need to be present?
- **Introduce yourself properly** – this can help reduce anxiety for the client and creates a safe space. You should also ensure clients understand your role and the difference between your role and that of other professionals involved.
- **Adopt a neutral tone and body language** – this avoids unintentionally sending messages to the client. For example, if you nod, the client might feel that you want a positive response and react accordingly.
- **Use short questions, simple language and an appropriate pace** – speak clearly, do not rush and avoid jargon.
- **Ask open-ended questions** – this will provide your client with the opportunity to speak freely about their legal issue and wider issues, providing an opportunity for you to develop a full picture of the client and their needs.
- **Employ active listening skills** – concentrate on the information the client is giving you, and use non-verbal and verbal cues to show the client you are listening – for example, by maintaining eye contact.

1. Bar Standards Board (2016) [Immigration Thematic Review](#)
2. Ibid

- **Be alert to any signs or risk factors which could predict vulnerability** – encourage self-disclosure, and look out for risk factors which may indicate that an immigration client is vulnerable. (See **Factsheet 2**)
- **Clarify that both you and the client understands what the other is saying** – summarise what the client has told you and check that your understanding is correct. Similarly, you could ask the client to repeat back to you the information you have provided. If information has been provided verbally, consider whether sending a written copy of the discussion would be useful for the client.

Client care

The BSB's review of immigration advice and services found that immigration clients need good quality client care in addition to good legal advice. Our research, however, highlighted a number of areas of concern around client care, including:

- Concerns about the level of client care provided by solicitors, in preparing the client for the court process;
- Concerns that some barristers may be failing to provide a proper standard of client care to immigration clients; and
- Inconsistencies in client care.

Seek to ensure the client feels actively involved in the process, and clearly tell your clients that if they do not understand something or are unsure, they are entitled to, and should, ask questions. In addition, you should carefully consider the need for a greater degree of transparency when dealing with vulnerable clients, particularly around price and the basis of charging. Price transparency is also especially important when providing public access services.

During BSB consumer engagement sessions with people seeking or having sought immigration advice and services in 2017, it was observed that many clients lacked a basic understanding of their rights and were not even aware they 'had the right' to ask their legal provider questions (or make a complaint). During a focus group with people with experience of receiving immigration advice and services, the group identified the following factors as indicators of what they would consider to be 'good' client care. The service provider:

- Asks the 'right' questions;
- Properly explains the outcome afterwards;
- Provides regular updates on the case; and
- Provides links to other support agencies, such as housing services.

When you first meet your client, consider providing them with a resource such as the BSB's [Guidance for consumers of immigration legal services](#)³, which explains the different types of provider, lets them know what to expect, how to recognise good and poor service and what they can do if something goes wrong. Having this knowledge and understanding empowers clients to be a more active participants in the process and instils faith in the service they are receiving.

Client care letters

The BSB Handbook⁴ requires that all barristers, when accepting instructions, must confirm in writing the terms and/or basis on which they will be acting (including the basis of charging). A range of model client care letters are available on the BSB website⁵.

Whilst the SRA requires that solicitors provide certain information to clients in writing (e.g. complaints information), it is not mandatory that this be in the form of a client care letter. Therefore, in referral cases, you may wish to check whether your client has received a client care letter from their solicitor and, if not, whether they fully understand the information that has thus far been provided to them.

The results of our work on immigration fed into a wider review of client care letters⁶. One of the primary outputs of this review was the identification of eight key principles for preparing client care letters. These are set out below.

- **Show a clear purpose** – state clearly what the role of the letter is and explain the importance of reading it.
- **Keep it concise** – the ideal length for consumers is two pages or less. If this is not feasible, use bullet points and a clear structure to ensure information is presented in a manageable way.
- **Put it in plain English** – avoid legal terminology, or clearly explain what it means. Avoid vague and caveated sentences.
- **Prioritise information** – focus on information which the client perceives to be of most relevance. Ensure a logical and coherent structure.
- **Personalise information** – provide details specific to your client's case, and tailor the letter so that irrelevant information is excluded. Use personal pronouns.
- **Make it easy to read** – make sure that the letter is not too text-heavy, make use of appropriate line and paragraph spacing, and use headings to ease navigation.

3. BSB (2017) '[Need help with your immigration and asylum issues? What you need to know](#)'

4. [BSB Handbook](#)

5. [BSB Code Guidance](#)

6. Optimisa Research (2016) [Research into Client Care Letters](#)

Consider the use of tables and bullet points.

- **Highlight key information** – use visual tools (e.g. bold text/summary boxes/headers/highlighting) to draw the reader’s attention to key points.
- **Consider additional opportunities to engage clients** – for example, is some information, such as regulatory information or terms of business, best delivered via an alternative medium or at a later stage?

The need for clear, concise and simple language will be particularly acute for clients whose first language is not English and who may have different styles of communication to their barrister, due to cultural or other background factors. Highlighted information in client care letters and other documents are particularly useful for those with a limited understanding of English or low literacy, as it enables them to focus on key information or ask for help with understanding key points from consumer organisations or others that may be supporting them.

With respect to vulnerable consumers, the review made a specific recommendation:

“Given the specific challenges more vulnerable consumers face when engaging with legal services communications, it was felt that legal services providers should play a more central role in providing support. Fundamental to this is ensuring that any potential issues with reading communications are identified at the start of the process. While some sensitivity needs to be shown, simple steps such as... providing clear guidance as to where consumers can get support if they have any questions, were considered to be a step in the right direction”.

This reinforces the need for legal professionals to identify vulnerabilities during the first meeting with the client, and to adapt communications accordingly. However, you must be alert to changing or new vulnerabilities and needs throughout the case.

The [Plan English Campaign’s website](#) contains a number of free guides you may find useful in ensuring communications are in plain English⁷.

Cross-cultural communication

Evidence collected as part of the BSB’s thematic review found that service providers might demonstrate a lack of social and cultural insight, interpersonal communication skills or empathy.

Being competent in cross-cultural communication is defined as “appropriate and effective in the communication process that takes place between individuals from different cultures⁸”. Key skills required for effective cross-cultural communication include good listening skills, the ability to effectively build rapport and to identify cross-cultural

7. <http://plainenglish.co.uk/free-guides.html>

8. Messner & Schäfer (2012) The ICCA Facilitator’s Manual, Intercultural Communication and Collaboration Appraisal

misunderstandings. You may want to consider undertaking training on cross-cultural communication as part of your continuing professional development (CPD).

Issues of cross-cultural communication and its relevance to the Bar were discussed at a BSB Symposium attended by a range of professionals and experts in January 2016⁹. The discussion highlighted how negative experiences in some communities as a result of poor cross-cultural communication has led to disengagement from mainstream providers. People can then seek help from those with a similar cultural background, where the quality of advice and services can be variable, due to a lack of expertise and/or specialism. Participants felt that a barrister's ability to communicate across cultures was pivotal in supporting access to justice.

The first meeting with your client provides an opportunity to identify factors that may impact upon their ability to engage with the process. People from different cultures may have different attitudes, norms and expectations. Whilst these can be subtle, try to pick up on patterns of verbal and non-verbal communication that can be informed by a person's cultural background, such as eye contact, politeness and silences during conversation. Try to adapt your style to suit your client and put them at ease.

You should not make assumptions about your client's behaviours or needs based on their cultural background. Instead, you could ask your client about their background, where you perceive it to be appropriate. This may reveal important information relevant to the case, and can inform decisions such as the choice of interpreter.

Aside from the language spoken, other personal, cultural, social and economic factors and characteristics may need to be considered when choosing an interpreter or other third party, as such factors can impact upon or be reflected in service provision. For example, in some countries, there are a variety of cultures, traditions and societies; some of which may hold prejudicial views against one another. Seek to gain an understanding of any such issues, and carefully consider the choice of interpreter.

Gender is another important factor to consider when hiring third parties. For example, female victims of modern slavery may require a female interpreter in order to properly participate and provide information, due to experiences of abuse by men. Those from the Roma community also adhere to certain traditions whereby individuals will not speak about certain topics in the presence of the opposite gender. You should also be aware of the gender composition during conferences and other settings, as it may be intimidating for a female client if she is the only woman present.

You may want to consider conducting your own research into a client's culture. Alternatively, making contact with community/cultural groups with specialist knowledge or expertise can help you gain an understanding of relevant factors pertaining to a culture, such as cultural taboos, and issues around gender, age, mental health, sexuality and other factors.

9. BSB (2016) [Does cross-cultural communication matter at the Bar? Report from a symposium hosted by the Bar Standards Board](#)

Good practice example

Suzan is a Roma woman from former Yugoslavia who has suffered discrimination based on her ethnicity. She has also experienced violent sexual assault during the war and suffers from trauma related to her past experiences. She does not speak English well and has limited literacy.

Suzan has one son and they are applying for leave to remain in the UK. Suzan has instructed a barrister to represent her in the tribunal. The barrister arranges a pre-hearing conference with Suzan. She attends with her son, whom she wants to translate. The barrister asks Suzan whether she is receiving any support. Suzan explains that she is in regular contact with a local charity that supports the Roma community with legal matters. The staff help her to understand letters and legal documentation due to her limited literacy. She says she particularly struggles with legal jargon and vocabulary used in a professional context.

The barrister asks whether Suzan would be happy for them to contact the charity to discuss Suzan's case and needs. Suzan agrees. Following the conversation with the charity worker, the barrister realises that Suzan might find it difficult to speak openly in front of her son. The charity worker explained that many Roma consider it inappropriate to talk about sensitive topics (such as health or mental health) in front of younger and older community members, as well as people of the opposite gender. The barrister is also advised that the use of Roma interpreters is preferred, as non-Roma interpreters may not understand specific cultural issues or may hold discriminatory views towards Roma. This understanding enables the barrister to consider how best to communicate with Suzan going forward.

The barrister suggests hiring a professional Roma interpreter to encourage a more open discussion. However, Suzan has trouble identifying the dialect she speaks. The barrister has been made aware of a [directory of Romani dialects](#) by Suzan's charity worker, and proceeds to show Suzan words in each dialect, asking her to identify which words she would use. Via process of elimination, the barrister is able to identify the dialect spoken by Suzan.

Following the meeting, the barrister arranges for a female Roma interpreter of a similar age to Suzan to be hired. The interpreter explains that maintaining eye contact when talking to Suzan is important. The barrister also watches Suzan's body language to ensure that she understands the information provided. The barrister ensures that the interpreter and Suzan make the barrister aware if something is unclear, or if information needs to be explained in a different way e.g. through visual aids.

Key questions to ask yourself

- Are all written communications in plain English?
- Do I need to provide information in alternative formats?
- How can I tailor information to suit my client's particular needs and preferences?
- Am I fully aware of language and literacy requirements?
- What considerations are required when choosing to hire a third party, such as an interpreter, expert or medical professional?
- Should I arrange for translation of written communications?
- Have I sufficiently guarded myself against making generalisations or stereotyping people from certain cultures?
- Would it be helpful for me to contact specialist organisations/do further research to find out more about my client's background and culture?

Further information

- ▶ Bar Standards Board (2016) [Does cross-cultural communication matter at the Bar? Report from a symposium hosted by the Bar Standards Board](#)
- ▶ Optimisa Research (2016) [Research into Client Care Letters](#)
- ▶ [Plain English Campaign Website Resources](#)