Factsheet 7

BAR STANDARDS BOARD
REGULATING BARRISTERS

Information for clerks and practice managers: Dealing with clients with additional needs

This factsheet draws together information from across this guide which will be helpful to clerks, practice managers and others who may come into contact with vulnerable immigration clients. It will provide you with a better understanding of the types of things that can make a person vulnerable, will help you ensure services are accessible and that you can communicate effectively with clients.

What is vulnerability?

When considering what makes a person vulnerable, we can look to three main factors:

- ***Individual characteristics and circumstances*** (e.g. age, cultural barriers, health problems, low income, being an asylum seeker/a victim of modern slavery)

- ***Market risk factors*** (e.g. costs, barriers to access, lack of quality signals)

- ***Service provision*** – The way in which services are provided can contribute to or even cause vulnerability or increase the likelihood of detriment.

In the context of immigration, these factors often come in combination. Being able to effectively recognise signs that a person is vulnerable and may have additional needs is key to effective service provision. Some issues and needs will be easier to identify than others. For example, a physical disability requiring wheelchair use may be obvious, whereas the effects of trauma, domestic violence or a mental health issue can often be hidden.

If you want to know more about vulnerability in the context of immigration, refer to the **Guidance on Vulnerability and the Client Journey**. For a list of signs that may indicate vulnerability see **Factsheet 2** (Identifying and Assessing Vulnerability).

Ensuring access for people with additional needs

When considering how to ensure services are accessible to clients with additional needs, there are a number of factors to consider. These include:

- **Website accessibility** – is your website easy to read and navigate? Is information provided in plain English and without the use of jargon? Do you need to provide information in alternative languages?

If you would like advice and information on making your website and digital communications more accessible, you can contact the Government Digital Service or visit the Web Accessibility Initiative's website.

- **Accessibility to and around premises** – are your premises easy to find and access? Do you need to install steps, lifts, better lighting, ramps, clearer signs, disabled toilets or anything else to improve access?

  As a minimum, clear directions should be available on your website and other promotional materials, as well as information on accessibility such as wheelchair access or hearing loops.

- **Accessibility of communications** – standard methods of communication will not be suitable for all clients. Some clients may struggle to understand English and may need communications to be translated. Some may require communications in alternative formats, such as braille, large print or audio. Make sure you ask people when they first access your service if they have any information or communication needs and how you can meet them, and ensure this is recorded in a systematic way. For example, you could flag the person's file so that it is immediately clear they have additional requirements.

  For more information on ensuring accessible communications, visit the Disability Action Alliance's website. The Government's guidance on Accessible Communication Formats will also help you to develop accessible communications.

- **Encouraging disclosure** – communications and marketing materials should seek to encourage clients to disclose any additional needs they may have, and provide reassurance that support can be provided if required. This is particularly important in the context of public access work.

  For guidance on how to handle disclosures effectively, see **Factsheet 2** (Identifying and Assessing Vulnerability).

- **Marketing and making use of local links** – consider where and how services are advertised, being mindful of the fact that many immigration clients may not have internet access and can struggle to find the help they need. Building links with other local organisations that might come into contact with your client group can be helpful to reach these clients. For example, you could consider inviting local organisations, such as local MIND groups, immigration charities or groups, housing sector organisations or Citizens Advice to short information sessions, where information about your respective services could be shared. Alternatively, you could simply make contact to introduce them to your services, so that they are able to direct clients needing professional legal services to you.

- **Staff training** – have you considered the need for staff who may come into contact with clients to undergo training on identifying vulnerability and how to effectively communicate with clients to meet any additional needs?

  The Institute of Barristers Clerks provides training for clerks on a number of issues and uptake of such training could be encouraged.

- **Flexibility around appointment times, duration and location** – to ensure some clients with additional needs are able to access your services, you may need to offer flexibility in terms of appointments, duration and location. For example, people with English as a second language, mental health issues or learning disabilities may require more time for discussions.

- **Third parties** – some clients may need assistance from an interpreter, support professional or carer, without which they would not be able to properly engage with you. You will need to consider whether you can facilitate this. For example, are meeting rooms big enough to accommodate for third parties?

For more detailed guidance on ensuring accessibility, including a checklist to assist you in assessing whether your services are accessible, refer to **Factsheet 1** (Enabling access to your service).

Client care and communication

Good client care and effective communication is crucial to ensuring constructive client engagement. It also ensures the client feels supported and listened to.

When meeting or speaking to a client for the first time, you should:

- **Introduce yourself properly and explain your role** – this can help to ease any anxiety the client may be feeling.

- **Consider language requirements** – does the client appear to struggle with English? If so, do you have translated materials you could provide to the client in their native language? Flag any communication needs on the client's file.

- **Encourage disclosure** – ask the client whether they have any additional needs or issues that you should be aware of, and record any information they provide.

- **Be alert to signs or risk factors that may predict vulnerability** – not all clients will be open about (or even aware of) any issues they are experiencing or needs they may have. Listen closely to what they say and try to pick up on any non-verbal cues that could indicate additional needs or vulnerabilities.

- **Clarify that both you and the client understand one another** – you could summarise what the client has said and check your understanding is correct. On the other hand, you could ask the client to repeat back to you the information you have provided. Encourage the client to ask questions if they do not understand something or they are unclear. If information has been provided verbally, consider whether sending a written copy of the discussion would be useful for the client**.**

Some more general principles for effective communication include:

- ***Adopt a neutral tone and body language*** when communicating with clients. 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*** when you need to elicit more information. This will provide the client with the opportunity to speak freely about any issues or concerns they may have.

- ***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.

Written communications

The Bar Standards Board (BSB) commissioned research into client care letters to find out how they can be most useful to clients. Whilst this research focused on client care letters, the principles identified are applicable to all written communications. They are:

- **Show a clear purpose** – what is it about? Why is it important?
- **Keep it concise** – is it too long? Is the structure clear?
- **Put it in plain English** – is there any jargon? Are sentence structures short and simple?
- **Prioritise information** – focus on information that is most relevant to the client. Put key information at the beginning.
- **Personalise information** – use personal pronouns (I, you, she, he etc.) and specifics about the individual client (where this is relevant).
- **Make it easy to read** – is it too text-heavy? Should you use bullet points, tables or headings? Use appropriate spacing.
- **Highlight key information** – use visual tools e.g. bold text, summary boxes, highlighting to draw attention.
- **Consider additional opportunities to engage clients** – for example, is some information better provided in another format or at a later stage?

The need for clear, concise and simple language is particularly important for clients with English as a second language or with little understanding of English, those who are unfamiliar with the legal system and legal terminology, low literacy levels and learning disabilities.

The Plan English Campaign's website has a number of free guides that you may find useful in ensuring communications are in plain English.

Cross-cultural communication

Being effective in cross-cultural communication is particularly important in the context of immigration work. Working in the legal sector, you will encounter people from a variety of backgrounds and cultures, and an awareness of cultural factors is required for effective client care and communication.

Effective cross-cultural communication is defined as "*appropriate and effective in the communication process that takes place between individuals from different cultures*[1]*"*. Key skills for effective communication with people from other cultures include good listening skills, the ability to build trust and a rapport and be able to identify cross-cultural misunderstandings.

People from different cultures may have different attitudes, norms and expectations, as well as alternative styles of communication. Verbal and non-verbal patterns of communication can be subtle, but try to pick up on patterns that may be informed by a person's cultural background, such as eye contact, politeness, pauses and silences during conversation. Try to adapt your style to suit the client to put them at ease.

It is important not to make generalisations or assumptions about a person because of their background or culture. To avoid this, you could consider undertaking training on unconscious bias, to increase your awareness of these issues.

For more detailed guidance on how to provide good client care and effectively communicate with clients, refer to **Factsheet 5** (Client care and communication).

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

Key resources

Annex 1 of this guide provides a list of useful contacts for clients in need of additional support, which you could consider providing to vulnerable clients.

- Citizens Advice (No date) Duty to make reasonable adjustments for disabled people
- Department for Work and Pensions, Office for Disability Issues (2014) Accessible communication formats
- NHS England (2017) Accessible Information Standard – Overview 2017/2018
- Optimisa Research (2016) Research into Client Care Letters
- Plain English Campaign Website Resources
- Recite (A web solution to make your website more accessible).
- Web Accessibility Initiative (2017) Web Content Accessibility Guidelines