Factsheet 1

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REGULATING BARRISTERS

Enabling access to your service for clients with additional needs

This factsheet will help you to consider the actions you can take to ensure your service is accessible to vulnerable clients, in line with good practice. This information will also be helpful to clerks, practice managers and others with responsibility for ensuring accessibility and who come into contact with clients.

Your duty under the Equality Act 2010 to anticipate the needs of people with particular types of disabilities and make reasonable adjustments for them also applies to anticipating the needs of people to be able fully to access your services.

In determining how accessible your services are, you should consider what, if any, barriers there are to access. Below is a list of useful areas to think about when considering accessibility[1].

Website accessibility

For many clients, a website can be an important source of information and is often the first contact they will have with your service. You should seek to remove barriers that prevent interaction with or access to your website for people with disabilities and language requirements particularly. If your website (and other consumer facing communications) are not easy to read or navigate, or if content is difficult to understand, it could deter clients from seeking your services. For example, you could consider whether consumers have to struggle with small font sizes, colours, jargon they cannot be expected to understand, or small buttons on a mobile site. You may additionally want to consider providing website content in alternative languages. For clients who would otherwise not be able to access your services due to location, remote access via video calling software may be an option.

The Web Content Accessibility Guidelines (WCAG)[2] is an internationally recognised set of recommendations for improving web accessibility. It explains how to make digital services accessible to everyone. If you need advice on making your website and digital communications accessible, you can contact the Government Digital Service (GDS). Alternatively, you may want to consider installing software to ensure website accessibility. A list of other organisations that can help you with website accessibility can be found in **Annex 2** (Further resources).

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1.   The Law Society (2015) Meeting the needs of vulnerable clients
2.   For tips on getting started with web accessibility, visit the Web Accessibility Initiative's website.

Accessibility to and around premises

Consider whether your premises are easy to find and access. Ask yourself: would people with mobility issues struggle to access the building or meeting rooms? Are rooms big enough to allow clients to attend meetings with family members, intermediaries and carers? If meeting rooms are not suitable for clients to attend with carers or other third parties, you may want to consider alternative meeting arrangements in a more suitable location. Some examples of physical features which may require consideration include steps and stairs, passageways/paths, entrances and exits, toilets, signs, lighting and ventilation and the size of premises. Examples of reasonable adjustments you could make include providing ramps and stairway lifts, more lighting and clearer signs[3].

There are likely to be limitations on what you can do to improve physical accessibility to premises. As a minimum, however, you should ensure that adequate and clear directions to your service are available on your website and other publicity materials, as well as information on accessibility e.g. wheelchair access, hearing loops.

Accessibility of communications

Barristers should be able to choose appropriate communication media, taking into account the message and audience, and are expected to be able to adapt their language and communication to suit their audience[4].

For clients with certain needs, you may need to adapt your standard methods and means of communication, including client care letters and copies of advice, as they may not be suitable for all clients. If your client has additional needs, you should ask about their preferences for communication, which may be via any number of methods. For example, many clients like to communicate via Whatsapp. You may wish to consider the use of new technology and applications.

The Accessible Information Standard (applicable in NHS and adult social care provision) may be useful to you in considering communication accessibility. It sets out a specific and consistent approach to identifying, recording, flagging, sharing and meeting the information and communication needs of service users and carers. It requires organisations to:

- **Ask** people if they have any information or communication needs, and find out how to meet those needs[5];

- **Record** those needs clearly and in a set way;

3.　　　　Citizens Advice (No date) Duty to make reasonable adjustments for disabled people
4.　　　　BSB (2016) The Professional Statement for Barristers (1.9)
5.　　　　However, be aware that your client may not self-disclose. You should remain alert to potential risk indicators and consider how any needs can be met.

- **Highlight or flag** the person's file or notes so it is clear they have information or communication needs and how to meet those needs;

- **Share information** about people's information and communication needs with other care providers, when they have consent or permission to do so; and

- **Take steps to ensure people receive information they can access and understand**, and receive communication support if they need it[6].

For more information on ensuring accessible communications, visit the Disability Action Alliance's website[7], or see the Government's guidance on Accessible Communication Formats[8].

Encouraging disclosure

In order to encourage clients to disclose any vulnerabilities, communications and advertising materials (including the website) should provide clients/potential clients with reassurance that support can be provided where it is required, and that you aim to ensure equal access for everyone. For example, you could consider including a statement such as:

> *"We aim to provide services that are accessible to everyone. If you need extra help or require information in different formats, please let us know."*

If you provide public access services, it is particularly important to include information on your website that encourages people to alert you to any access needs.

For guidance on handling disclosures, refer to **Factsheet 2**.

Staff training

It is beneficial for all staff who come into contact with clients to be trained in identifying vulnerability and effectively communicating with clients to be able to accommodate any additional needs. Barristers should look out for training on vulnerability provided by the Inns, Bar Council, The Inns of Court College of Advocacy (ICCA), Law Society and other providers. If you regularly work with vulnerable clients (of any type) you could consider undertaking vulnerability training as part of your Continuing Professional Development (CPD) requirements. This would help to ensure competency in working with vulnerable clients in line with best practice, and your professional knowledge and skills are kept up-to-date. The Institute of Barristers' Clerks (IBC) provides events and training for clerks on a number of issues, and chambers should consider encouraging their clerks to engage with IBC training.

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6.   NHS England (2017) Accessible Information Standard – Overview 2017/2018
7.   http://disabilityactionalliance.org.uk/
8.   Department for Work and Pensions, Office for Disability Issues (2014) Accessible communication formats

Flexibility around appointment times, duration and location

Whilst recognising that professional boundaries are crucial, to ensure your clients have proper access to your services, you may have to be flexible in terms of the location at which you meet them, the time and duration of meetings. For example, you may need to allow extra time for people with language requirements, hearing impairments, learning disabilities, mental health issues or those who have suffered abuse and trauma.

The use of support professionals and carers, where appropriate

Clients with a learning disability may need assistance from a professional or carer at the initial advice stage and throughout the process; without which they would not be able to fully participate in and engage with the process. This may also be true of clients with English as a second language or those with little or no understanding of English, who may need an interpreter to be present during conferences, and written communications to be translated. Vulnerable clients who have experienced violence, abuse, torture, modern day slavery and trauma may also require specialist assistance. To ensure these groups are able meaningfully to access your services, you should seek to ensure that additional support and systems to facilitate this are available.

There are, however, risks involved in the participation of third parties, and careful consideration of a third party's involvement is important; whether a family member, interpreter or other intermediary. For example, you will want to be alert to factors such as professional competence, confidentiality, gender/sexuality/cultural considerations, power dynamics and the potential for undue influence. See the guidance on vulnerability and the client journey document, **Section 5** – "Receiving" – greater exploration of the considerations required when there is third party involvement.

Marketing and making use of local links

If you are registered to undertake public access work, you should consider the location and ways in which your services are advertised, being mindful of the fact that many immigration clients may not have access to the internet. Consumers also approach a variety of different organisations to seek help in the first instance. As such, you may wish to gain basic knowledge of local organisations that undertake a signposting role and those that may be able to offer your clients support with additional needs e.g. local MIND groups, immigration charities or groups, housing sector organisations, Citizens Advice and community organisations[9]. The benefit of building these links is twofold: it would increase the visibility of your services in the community, and could be an effective way of reaching potential clients; it also helps you to signpost your clients to appropriate sources of support if necessary. You could consider inviting these organisations to short information sessions, where you can share information about the services you respectively provide. Alternatively, you could simply make contact with

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9.   The Professional Statement for Barristers expects barristers to have an awareness of the sources of advice available to their clients and the organisations supporting the administration of justice (competency 1.4). It additionally states that barristers should recognise and take steps to meet particular needs of clients, including those who are disabled or vulnerable (3.3)

local organisations via email or telephone to introduce yourself and provide details of your services. Should they come into contact with someone seeking professional legal services, they can then direct them towards you.

A growing number of people are representing themselves across civil and criminal courts, including the immigration tribunals; many due to the lack of availability of legal aid[10]. This may present an opportunity for barristers undertaking public access work (providing the case is suitable) to consider new ways of making their services accessible to consumers who may currently struggle to gain access. Effective marketing, technology and an online presence are important factors to consider when trying to meet these consumers' needs, as is flexible pricing structures and client financing options.

Annex 1 provides a list of useful contacts that you can provide to your client should they require additional support or advice. However, you may wish to expand upon this list yourself to include organisations that operate in your local area, thus widening the support options available to your clients. In addition, clients often struggle to recognise whether a source of information is correct and legitimate. Having a list of useful contacts can mitigate against the risk that clients access poor advice or incorrect information by providing them with details of reputable organisations from which they can seek advice and/or support.

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10.   National Audit Office (2014) Implementing reforms to civil legal aid

Assessing whether your service is accessible

Below is an example checklist of the things you may wish to consider when assessing your service's accessibility:

- ✓ Is your website accessible? Is it in line with best practice?

- ✓ Are your services easy to find? Are your premises accessible? E.g. do you need to provide a lift or ramp?

- ✓ Does information/printed material encourage people to inform you of any accessibility requirements they may have?

- ✓ Are you able to provide information in large print/braille/audio/easy to read format?

- ✓ Do you need to provide written text on a coloured background for someone who may have dyslexia/a visual impairment?

- ✓ Might you need to provide extra time for meetings because your client takes longer to understand what you are explaining, due to a speech impediment/learning disability or because an interpreter might be needed?

- ✓ Might an interpreter/carer/intermediary need to be present during client conferences? If so, does this require a bigger conference room or alternate meeting location?

- ✓ Do you need to provide a sign-language interpreter/lip-speaker/deaf-blind communicator?

- ✓ Are you able to provide a reader for clients with visual impairments? Do you need to provide a digital recorder/dictaphone/electronic note-taker?

- ✓ Are there processes in place to ensure that clients understand information provided?

- ✓ Is it necessary for you to allow alternative ways of making complaints or other requests, rather than in writing?

- ✓ Should you consider offering clients flexible pricing structures or financing options?

- ✓ Do you need to arrange for remote access e.g. via Skype?

- ✓ Have you used sufficient channels to ensure your services are visible to consumers who may require your services? E.g. Have you made use of local links? Where are your services advertised?

Summary of key points

- The Equality Act 2010 confers a duty to anticipate the needs of people to be able to fully access your services, and to make reasonable adjustments to avoid people being placed at a substantial disadvantage because of their disability.

- Encouraging disclosure is key to identifying additional needs. Reassure clients that you aim to meet any needs they may have, and provide details of service accessibility in promotional materials and website.

- Assess the accessibility of your website and communications, physical access to premises and the way in which your services are marketed.

- For some clients to be able to fully engage, you may need to be flexible and diverge from your usual way of working.

- Consider the need for all staff that come into contact with clients to be trained to recognise vulnerability and how their needs may be met.

- The use of third parties may be required. Consider how this can be facilitated, whilst being aware of the risks of third party involvement.

Further information/ Key resources

- ► 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

- ► Plain English Campaign Website Resources

- ► Recite (A web accessibility solution to make your website more accessible).

- ► Web Accessibility Initiative (2017)

- ► Web Content Accessibility Guidelines