

# THE LAW SOCIETY of SCOTLAND

## SERVICE ACCESSIBILITY REVIEW

### WORKSHOP REPORT

***I*NCCLUSION *D*EVELOPMENT *P*ARTNERSHIP**



*Dare to engage*

20 September 2006  
Royal College Of Surgeons  
Quincentenary Halls  
Edinburgh



**The comments, issues and good practice recorded in this report are the views reported by the project participants.**

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Special thanks to Ms Rhona Paterson and Rev Clifford Hughes for allowing the audience an insight into their personal experiences and concerns.

## **The Facilitators**

- ❖ Mr Mike Martin
- ❖ Mr Ritchie Wilson
- ❖ Mr Hugh Stewart
- ❖ Mrs Sally Mackintosh

## **The Scribes**

- ❖ Ms Erin Mackintosh
- ❖ Ms Gwen McLeod
- ❖ Mrs Martha Brown
- ❖ Mr Patrick Ward

Many thanks to Emma Cook and the staff at The Royal College of Surgeons for their support and provision of a lovely venue. We were delighted to be the first people to hold a conference at the new Quincentenary Hall.

# Table of Contents

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<b>EXECUTIVE SUMMARY .....</b>	<b>6</b>
<b>INTRODUCTION .....</b>	<b>8</b>
<b>PROGRAMME .....</b>	<b>10</b>
<b>THE WORKSHOP .....</b>	<b>11</b>
<b>TEAM ONE – Complaints and Client Relations.....</b>	<b>14</b>
<b>TEAM TWO – Education and Training .....</b>	<b>23</b>
<b>TEAM THREE – High Street Solicitors .....</b>	<b>34</b>
<b>TEAM FOUR – Communication .....</b>	<b>45</b>
<b>PARTICIPANTS COMMENT.....</b>	<b>52</b>
<b>RECOMMENDATIONS &amp; CONCLUSION .....</b>	<b>54</b>
<b>APPENDIX 1 – The Client Relations Office .....</b>	<b>59</b>
<b>APPENDIX 2 – Education and Training for Solicitors in Scotland.....</b>	<b>60</b>
<b>APPENDIX 3 – Independent Advocacy .....</b>	<b>61</b>
<b>APPENDIX 4 – Inclusion Development Partnership .....</b>	<b>63</b>
<b>USEFUL CONTACTS AND ADDRESSES .....</b>	<b>64</b>

## EXECUTIVE SUMMARY

Inclusion Development Partnership consultants were commissioned by the Law Society of Scotland to undertake this review using their 50:50 model of engagement. It was the intention of the workshop to engage and involve disabled people with a wide range of impairments in the process to highlight issues and seek solutions surrounding the accessibility of the Law Society of Scotland services, and those of High Street solicitors. Four facilitated teams, comprising 50% disabled people and 50% Law Society of Scotland staff and members, worked throughout the day to explore current services, identify issues and together, seek solutions to overcome barriers. The teams successfully achieved their aims and a great deal of valuable information was gathered in a relatively short space of time.

Through the course of their discussions each of the teams agreed on a number of recommendations to address barriers identified. Despite each team concentrating on different aspects of the services of the Law Society of Scotland, a number of common themes emerged, especially in relation to the profile and lack of 'visibility' of the Law Society of Scotland, with many people not being aware of the services offered.

A further common theme was the need for provision of mandatory Disability Equality training for staff at all levels. This, enhanced by the continued engagement and involvement of disabled people in developing accessible services and an effective equality strategy, were viewed as ways of promoting positive changes in attitudes and behaviours and overcoming barriers that exist for people in accessing services. It was felt that this form of training would also address the many barriers identified around the use of language.

In training and education the biggest concern for disabled law students was identified not during university, where their additional support needs are well accommodated, but in gaining a placement in a law firm afterwards to continue their training. Given the level of competition for placements, this was viewed as a major issue and recognised as a significant barrier. It was recommended that a programme be developed to engage with medium sized law firms to encourage them to be more pro-active in providing placements to disabled students and a number of ideas were suggested to support this.

## Executive Summary

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A major issue emerging from the 'Complaints and Client Relations' team was identified in the provision of services for people with mental health problems, with difficulties arising for both the client and the solicitor. One of the biggest concerns was the apparent lack of solicitors available who specialise in representing people who have mental health problems. The lack of information that is easily accessible relating to how to identify these solicitors was also noted as problematic. A number of other issues concerned points of law that potentially can impact on a person's human rights, such as access to legal representation when detained under the compulsory treatment legislation. In order to address some of the concerns identified a consultation was requested to find ways for solicitors to provide effective accessible services.

A further recommendation arising from a number of groups, which would increase awareness and knowledge, was for the Law Society of Scotland to increase opportunity for staff to network and build partnerships with independent advocacy and other services offering support to disabled people and service providers. This was also noted as being of value to Society members.

There were many other recommendations made in relation to education and training, communication and general accessibility, which can be found in greater detail in the various 'Teams section' of the report and in outline in the Recommendations section.

This workshop programme was well attended and all participants engaged with the process in a motivated and committed manner. The willingness to work together in an atmosphere of respect was enlightening and all who participated gained positively from the experience.

The outcomes of the day will provide an excellent foundation for assisting the Law Society of Scotland to develop an effective engagement programme for disabled people to inform their Equality and Diversity strategy. A great deal of excellent work has already been completed by the Society and this workshop and its positive outcomes, along with the development of their Equality Forum and desire to continue the engagement of disabled people in the strategy development and evaluation, can only be of benefit in providing a forward thinking and dynamic strategy ensuring optimum accessibility of services for all parties.

## INTRODUCTION

This service accessibility review workshop was commissioned by the Law Society of Scotland as part of the development of their Equality and Diversity Strategy. It was a collaborative initiative between the Society staff and members; Inclusion Development Partnership; people with a range of physical, sensory and intellectual impairment; people with mental health issues and service providers working in the field of disability education and independent advocacy.

The aim of this one-day workshop programme was to explore a range of current services provided by the Law Society of Scotland in terms of accessibility for disabled people. Four teams were tasked with identifying accessibility issues for disabled people and, through discussion in 50:50



teams, seek ways in which some of the issues could be best addressed, as well as highlighting good practice currently in operation.

The 50:50 model used is not only effective in bringing people together to work in partnership, but its importance also lies in the actual process of the workshops where positive behavioural and attitudinal change can occur through all participants learning together by working together.

Issues raised and views and experiences expressed in this document are recorded directly from the participants in the project team discussions occurring during the workshop programme.

## BENEFITS OF THE IDP 50:50 MODEL

The IDP 50:50 model of working (originally developed by the DARE Foundation) seeks to engage the participants by working in small teams and, by using a facilitative approach, disabled people were encouraged and supported to share their own experiences with service providers from the Law Society of Scotland and its membership. The facilitated team approach offers a learning opportunity for all participants, where a wide and rich perspective can be achieved based on individual



## Introduction

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experience and knowledge. The team process inherent in the model also serves to encourage a foundation for positive change. The approach offers all participants an opportunity to gain an understanding of issues and challenges from other perspectives, achieved through sharing experiences and upon reflection on the many aspects raised through the facilitated team discussions. Further, the model encourages a proactive approach by offering possible solutions or improvements in relation to service accessibility issues as identified by disabled people and providers themselves as being problematic.

In essence, the approach seeks to do more than gather information, it seeks to challenge opinions and to enable disabled people and service providers to generate their own solutions to the barriers identified.



## THE PROGRAMME

The programme included:

- Identification of participants
- Initial Preparatory sessions for disabled people
- A full day workshop event using the 50:50 facilitated team approach. Discussions included exploration of current service provision; identification of good practice; determination of accessibility issues, identified through direct experience and the provision of recommendations to improve the accessibility of services offered.

Fifty people participated in the workshop programme. Four specific teams were formed with participants including:

- ❖ Disabled people with a wide range of physical, sensory and intellectual impairment and people with mental health problems.
- ❖ Professional representatives from
  - Independent advocacy
  - Education (Skill Scotland)
  - Scottish Association for Mental Health
- ❖ Staff of the Law Society of Scotland
- ❖ Members of the Law Society of Scotland
- ❖ Editorial staff of the Law Society of Scotland Journal



## THE WORKSHOP

The workshop brought together staff of the Society and its members, disabled people and representatives from disability organisations. The resultant rich mix of experience and expertise was to prove invaluable during the course of the team discussions and the subsequent recommendations made.

An enthusiastic Neil Stevenson opened the workshop event with an overview of the Law Society of Scotland, a multi-faceted organisation which is not government funded or associated with the civil service or other Executive agencies yet has regulatory functions which are seen as 'public services'.



Neil outlined the various responsibilities of the Society:

- ❖ As the regulatory and membership body of the solicitor branch of the legal profession.
- ❖ As a public service dealing with complaints against solicitors or legal services, providing a help line and information service for the general public and solicitors alike
- ❖ As the Qualifications body for solicitors

In terms of Equality and Diversity Neil outlined the Society's responsibilities as a service provider, as an employer and to its members. In his speech he commented on the commitment of the Law Society of Scotland to developing a dynamic and forward-looking Equality and Diversity strategy which would represent and protect many diverse groups through engagement and involvement, areas considered vital to enhancing service accessibility and benefiting members, staff and the general public alike. The workshop was seen as an important addition to the work already completed and as the beginning of an on-going genuine engagement process between disabled people and the Society.

Neil further commented that Equality and Diversity did not solely involve disabled people but also that of age, gender, marital status, sex, religion and belief, sexual orientation and race. He stressed that whilst each area had its own particular importance in terms of needs, to ensure equality, there were parallel issues applicable to all and thus, the Society had a

## The Workshop

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genuine commitment to the development of an equality strategy and engagement process with people across all areas. As part of this commitment to disabled people, Neil provided details of the Equality Forum currently being established by the Society, which would involve members of the public, and he extended an invitation to workshop participants to join this forum and be involved in an advisory capacity with the Society.

To set the scene for the day and begin the process of considering the barriers that disabled people face in accessing legal services Ms Rhona Paterson outlined her recent experience of buying a house. Rhona has a visual impairment, is a Braille reader and a senior occupational therapist with North Lanarkshire Council. She explained that during her recent house purchase she experienced significant difficulty in gaining access to documents in Braille, often forcing her to rely on [“my memory in understanding what the documents I was signing contained”](#). This created understandable difficulties for her and she outlined the crucial importance of documents being available in acceptable formats for those who required them, especially when dealing with legal documentation.



Following Rhona, the Rev Clifford Hughes gave a personal insight to his impairment, that of having had a laryngectomy (removal of his voice box) as a result of having had cancer. Whilst not having any negative experiences of accessing legal services prior to his operation, he discussed concerns he has should he require access in the future. He explained that in order for him to speak he needs to cover his throat with his finger, creating difficulties in the event that two hands were required to undertake any activity, especially relevant when speaking on the telephone and having to write something down at the same time. As a result of his impairment Clifford is also very quietly spoken and requires a relatively quiet environment for him to be heard satisfactorily. He expressed concerns that his impairment, which is not immediately evident, may not be appreciated should he have need to contact the Society or High Street solicitors for advice. Hidden impairment is often not recognised and he asked for those present to be aware of the fact and be prepared to adapt if they were to be able to fully meet people's needs without causing themselves or the individual unnecessary embarrassment or difficulty.

## The Workshop

Following the opening talks, all participants were split into facilitated teams to commence discussions surrounding the four areas of Law Society of Scotland Services that had been agreed as important. Prior to any 50:50 workshop IDP determines the participants for each team, aiming to achieve a balanced mix of disabled people and service providers. Each team was provided with an experienced facilitator to guide them through the initial discussions and action planning process. Team discussions involved exploring the experiences of participants, current service provision and examples of good practice and any existing barriers. During the course of the day these all contributed to towards identification of problematic areas and the formulation of recommendations to improve service provision.

The following pages detail each of the four team discussions, which focused on the areas of:

- ❖ Complaints Service and Client Relations Office
- ❖ Education and Training
- ❖ High Street Solicitors
- ❖ General communication



# TEAM ONE

## Client Relations and the Complaints Service

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### TEAM ONE

#### CLIENT RELATIONS AND THE COMPLAINTS SERVICE

This team involved members of the Client Relations Office of the Law Society of Scotland, members of the public and professional representatives from the Scottish Association for Mental Health and Circles Network.



#### TEAM REMIT:

- ❖ Examine the expectations, experiences, and challenges that disabled people may have accessing a complaints service (and specifically the Society's complaints service) and dealing with related issues.
- ❖ Identify key areas where improvements and developments can be made.

#### PARTICIPANTS

Charlie Berguis, Leslie McDade, Jennifer Griffiths, Ibrahim Malik, Mike Martin – Facilitator; Gwen McLeod – also scribe, Ian Ritchie; Keith Staples, Kate Taylor

#### INTRODUCTION

Mike Martin commented on the rich mix of diversity and experience held within the team. It was noted there was a strong influence from areas of mental health and physical impairment, but perhaps less representation in terms of sensory and intellectual impairment although this was not considered to be unduly detrimental to the pending discussions.

In order to gain a perspective of the remit of the team, it is helpful to provide an outline of the functions of the Client Relations office and these are detailed in Appendix 1.

## TEAM ONE

### Client Relations and the Complaints Service

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Discussion began by looking at the numbers of complaints received and how many of these were from people who had additional support needs. In 2005, 5000 complaints were received in total. These covered 2 areas – adequacy of professional service and professional misconduct. In relation to complaints statistics, it was identified that there is no clear idea of how many complaints were received from people with a disability, although the Society does ask the complainant if they have “any special needs that should be taken account of”? The Society relies on individuals advising them of any impairment and how their needs can be best met, although no formal data is gathered on complaints specifically received from people with a disability. The team agreed that there is potential for examining the data returned to see if there are any recurring themes in relation to complaints by people with disabilities that are in any way different from the wider population.

It was also noted that the Law Society of Scotland need to be aware of solicitors who may themselves have disability issues and how their needs can best be met in the event that they are involved in the complaints process.



In respect of a disabled person making a complaint, a paper-based form is completed. There was some debate as to whether the form was expansive enough to enable adequate description of additional needs. The Society members elaborated that whilst the question is asked of all complainants, there are a wide range of responses, some of which contain vast detail and others minimal information which is ambiguous and can be unhelpful. The team agreed that there was a responsibility on both the complainant and the Law Society of Scotland to ensure that accurate information is requested and given in order that any additional support needs can be satisfactorily met.

In relation to dealing with complaints it was noted that whilst Case Managers discuss complaints via telephone, they may also meet with the complainant in person. It was agreed, however, that procedures and logistics sometimes made meetings difficult. For disabled people this

# TEAM ONE

## Client Relations and the Complaints Service

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could be problematic for a variety of reasons, such as not being able to hold or communicate well by telephone, having a processing difficulty (such as after brain injury or stroke) or having other communication impairment. Face to face meetings were considered to be preferable and important in these situations, thereby strengthening the necessity for greater understanding and awareness of disability by the Society of staff and on individuals advising of any impairment.

### ISSUES IDENTIFIED

In relation to the complaints form it was agreed that there was severe limitation for accurate information to be given owing to the size of the box on the form pertaining to 'special needs'. The box can be expanded if completed on-line but the paper form is very limited in



terms of sufficient space. Given that accurate information is required in order to provide satisfactory services this is an area which should be addressed.

It was also noted that the form would be inappropriate for a person with a visual impairment, either in paper form or on-line. A simple word version without use of boxes or tables should be available on-line and would thus be accessible to a visually impaired person negating the need for them to have to ask someone else to complete the form for them..

The policies and procedures for making contact with complainants who have 'special needs' was considered problematic with a continuing need for face to face meetings with Case Managers, most important for those who have difficulty in communicating by telephone for whatever reason.

In relation to the website accessibility it was noted that there was a constant need for review with technology, accessibility and people's expectations continually changing. The website was considered an excellent source of information for those who have access and are able to use the internet. Greater information on the Law Society of Scotland services should be accessible through statutory and voluntary



## TEAM ONE

### Client Relations and the Complaints Service

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organisations for those without access to the internet. It was considered that this information was limited at present and many members of the public were not aware of the Society or the services they provided.

Members of the Society stressed that a major issue for them was not knowing if a complainant has a disability, either through non-declaration or failure to provide sufficient information. This was a theme that was recurrent throughout the majority of teams on the day, stressing the importance for all parties to ask about and to declare any additional requirements from first point of contact.



However, a major difficulty in relation to declaring a disability was acknowledged by both complainants and the Society. This was the problem experienced for those people who are unaware of an impairment (such as undiagnosed severe dyslexia); or if a person has intellectual impairment (learning disability; brain injury or post-stroke for example) or has a mental health issue; all of which may result in them not being able or willing to recognise they require additional support or what that support may be.

A further issue acknowledged from members of the Society is that there appears to be a significant number of complaints from people who experience mental health issues. The team acknowledged that there are very few solicitors who specialise in providing services to people who have mental health issues or learning disabilities and it was agreed that many members of the profession experienced greater difficulties when it came to providing services for these individuals. This was felt to be especially true in terms of overall effective communication between all parties and in the general comprehension by the complainant of the legal processes and procedures for dealing with a complaint.

This issue was identified by participants as being compounded by insufficient access to or knowledge of the support or specialist advice

## TEAM ONE

### Client Relations and the Complaints Service

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services available, especially in relation to assisting people with mental health problems. This would include knowledge of and access to independent advocacy services.

There was discussion around the legal framework for the provision of independent advocacy services under the Mental Health Care and Treatment Act 2003. There is a legal requirement and duty placed on Health Boards and Local Authorities to ensure that advocacy is available and independent. Whilst the Law Society of Scotland is not obliged to provide this service directly it was felt important for staff to note that there is a mechanism for people who require it to access a service through the Health Board or the Local Authority.

One further issue raised concerned the difficulties people with mental health issues experienced in accessing a solicitor within an adequate time frame, specifically when they are detained under the Compulsory Treatment legislation. Whilst



timeframes are fixed by statute, it was felt that the Law Society of Scotland may receive complaints from people with mental health issues who had been unable to access legal representation. Given that in such situations a person's liberty might be at risk, it was considered that there were real dangers of a their Human Rights being infringed

*“having a mental health difficulty is not the person's fault, it is an illness and they can't help it”*

It was noted that those detained in relation to criminal law cases have guaranteed access to a duty solicitor through the Scottish Legal Aid Board and that perhaps the Society could promote similar access to those who might be detained under mental health legislation, recognizing the potential for complaints in this area.

In parallel, people who are detained under criminal law have access to legal representation provided by the Scottish Legal Aid Board, in circumstances where they are often responsible for their actions and committing crimes as a result.

# TEAM ONE

## Client Relations and the Complaints Service

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### RECOMMENDATIONS

From their discussions the team made the following recommendations for best practice, which would provide potential solutions to addressing some of the issues.

#### 1. Identification of 'specialist' solicitors

1.1. Production of information providing contact details of solicitors specialising in providing services for people with mental health issues. The information should also contain details of independent advocacy and mental welfare organisations providing advice and support. This would be of benefit to the general public and also members of the legal profession and enhance communication between all parties.

1.2. It was also acknowledged that Society staff should be aware of the duty placed on Health Boards and Local Authorities to ensure independent advocacy is available. Whilst the Society is not obliged to provide this service directly, it was felt important for staff to be able to advise clients on the mechanism for accessing this service through their Health Board or Local Authority.

2. Networking opportunities for Law Society of Scotland members and staff to liaise with independent advocacy groups was considered a valuable tool in not only building contacts and awareness but also offering valuable continuing professional development opportunities to determine how to make it work in practice.



3. The team felt there should be greater liaison and partnership building between different national and locally based support agencies and the Law Society of Scotland to create greater awareness of services available. These agencies would include: Independent Advocacy;

# TEAM ONE

## Client Relations and the Complaints Service

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Interpreters; Visual and Hearing impairment organisations; Accessible information services; etc. The Scottish Advocacy Safeguarders Association was considered as a good point of contact for the Society.

4. The team suggested that a public relations and awareness raising campaign by the Law Society of Scotland outlining their services and the supports available for people who have impairment would be of great benefit to remove some of the barriers, fear and stigma that still exists. This would also be beneficial in raising the profile of the Society with the general public, voluntary and statutory agencies and provide all with access to valuable information.
5. Greater information should be available on the Legal Aid process, including details of solicitors offering Legal Aid Services. This was considered especially important with a high percentage of people under mental health legislation requiring legal aid.

6. There was some agreement that the Scottish Executive should be lobbied to increase and expand civil legal aid provision for people who have impairment, especially mental health issues. It



was felt that development of a parallel system to that of the duty solicitor in criminal law, might be of real benefit in cases of people with disabilities.

7. The team considered that the Society should conduct a consultation and promotional exercise with its members in relation to methods to improve the provision of services for people with mental health issues.
8. All agreed that a concentrated focus on on-going Disability Equality Training for all Society members and staff would be beneficial.

# TEAM ONE

## Client Relations and the Complaints Service

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9. Language was considered an important aspect if equality was to become a reality and the team felt this should be a focus for training for all members and staff. It was agreed that there should be a move away from the terminology of 'special needs', which was considered to carry negative connotations, with the term 'special' suggesting that people are not ordinary members of society for instance. It was considered that training and practice should include a focus on recognising how the use of language can increase barriers to understanding and appreciation of people as individuals.

10. The team felt that programmes actively engaging disabled people,



such as on-going workshops or focus groups like this IDP event and the suggested Equality Forum, would help to remove barriers and improve understanding. It was considered that problems of assumptions, negative

perceptions and attitudes remain problematic and could be largely overcome by through this form of working together and were considered to provide an effective foundation for staff and members to enhance their own appreciation of the wide range of disability issues.

11. There should be greater emphasis on encouraging disabled people to disclose any additional support needs they have in order that services can be more effectively provided. The Society should be more pro-active in seeking this information at the initial point of contact. It was suggested that they could, for example, explain why it is helpful to know if someone has a disability, perhaps giving a case study to illustrate.

12. Greater face to face contact with Case Managers should be considered for those people who have impairment and have cause to lodge a complaint. A review of current procedures was considered to be of benefit.

## TEAM ONE

### Client Relations and the Complaints Service

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13. Access for visually impaired people could be improved through alterations to the website which would enable print size changes and more efficient use of screen readers. Also, alterations to on-line forms would make access easier for visually impaired people if a simple Word document was available in plain text without the use of boxes and pictures.
14. The team considered that ease of access could be gained through ensuring all paper-based information and forms are available on-line and vice versa, ensuring consistency with all information provided in any format or medium.
15. There was general agreement that there should be a facility built in to monitor statistics relating to the number of complaints received from disabled people, with subsequent evaluation to identify common themes emerging. This information would be especially valuable in the development and evaluation of accessible services.



# TEAM TWO

## Education and Training

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### TEAM TWO

#### EDUCATION AND TRAINING

The team included members of the Education and Training function of the Law Society of Scotland, representatives from disability organisations and members of the public with a specific interest in this area, one of whom was a current LL.B student.



#### TEAM REMIT:

- ❖ To examine the expectations, experiences and challenges that disabled people may have in accessing employment and career opportunities, specifically within the legal profession, recognising that qualification involves “long routes” and multiple stages that are mandatory (exams, traineeships, etc).

#### PARTICIPANTS

Jamie Abbott, Lesley Berry, Liz Campbell, Sian Edwards, Chris Fraser, Treena Jobson, Erin Mackintosh (also scribe), Alison Murray, Robert McGee, Rhona Paterson, Neil Stevenson, Hugh Stewart, facilitator

#### INTRODUCTION

The team began their discussions by focusing on the importance of Diversity within the legal profession. It was recognised that in order to best meet the needs of clients, practising solicitors should themselves originate from a diversity of backgrounds. Concerning dealings with disabled people, the team emphasised the importance of those practicing Law to “*See the person not the disability*” thus mitigating against the misconception that disabled people are a homogeneous group rather than unique individuals.

## TEAM TWO

### Education and Training

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Working and training alongside colleagues who have impairment, it was thought, would do much to develop this perspective, thus the necessity for disabled people to be represented proportionately within the Legal profession was highlighted. It was noted that in England and Wales, (where the number of practicing solicitors is considerably greater than in Scotland), there are a number of groups that represent practising solicitors who have impairment, such as the Group for Solicitors with Disabilities. This suggests that it may be the case that *“Diversity is needed to promote diversity”*.

The importance of valuing diversity within the practice of Law (and within society as a whole) may be best illustrated by a quote from the team,

*“ It is a case of how to solve a problem; if everyone working together is the same, there will be only one way of thinking. However, with diversity in the workplace, ways of thinking can be expanded”.*

#### EDUCATION AND TRAINING

The team then turned to consideration of the forces that may act against achieving diversity. In order to achieve this the team determined it was first necessary to understand the process required to qualify as a solicitor in Scotland. Details of this can be found in Appendix 2.



Discussions then focused on team members' actual experiences of education and training within Legal and other professions as discussed in the following sections.

#### CHALLENGES AND EXPERIENCES

It was agreed that there are measures in place to assist students with additional needs whilst attending university and in studying towards the Law degree (LL.B). However, difficulties often arose during the



## TEAM TWO

# Education and Training

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subsequent stages of qualifying as a solicitor. After completion of the LL.B degree or Law Society of Scotland examinations, all intending solicitors are required to take the Postgraduate Diploma in Legal Practice. This is a 26 week full time course. It was acknowledged that the level of required attendance can present difficulties for some students, especially those who have impairment, as a result of the lack of flexibility available in meeting the demands and time-scales of the Diploma.

Following successful completion of the Diploma stage it is necessary to serve a two-year Post-Diploma training contract with a practising solicitor. Whilst securing such a position, given the level of competition, is a real concern for many Law students, it was noted that it could present a greater challenge for disabled students. Experiences shared within the team suggested that whilst in the educational system there are advantages to declaring any additional support needs, which result in securing necessary supports and any additional funding which may be required. However, disabled candidates expressed the fear that declaring their additional support needs in the workplace may be placing them at a disadvantage, given the competitive market for placements, thus potentially leaving them in danger of being overlooked by employing firms. The concern is that the positive supportive attitudes experienced at university will not necessarily be evident in the workplace environment.



One of the main problems for prospective solicitors is that it is a highly competitive commercial market, thus solicitor services are charged by the hour. This issue raised a further concern that trainee solicitors who have an impairment are often viewed differently and as less “productive” and are, therefore, in danger of being perceived as having less potential and drive than non-impaired people entering into the profession.

The possibility of securing a training contract with solicitors working “in house” such as Scottish Executive, Procurator Fiscal, NHS Legal, Local Councils, was discussed. Essentially, in this sector there may be less

## TEAM TWO

# Education and Training

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emphasis on profits and more on public service, however, it was noted that whilst the public sector employs 27% of Scottish solicitors it only offers training to 7-8% of students.

Discussion continued around a quandary faced by disabled students when seeking a training contract; whether to apply to large commercially orientated firms that have the resources to support employees who have additional support needs but where the competition for places is considerable and where the commercial pressure may make it difficult for disabled candidates to prove their worth, or to apply to smaller firms which, because of their approach to work, may be more amenable to engaging disabled trainees but may lack the resources to support them fully.

Another identified issue concerned the view that many of the larger commercial firms commence their recruitment process for trainees during their 3<sup>rd</sup> year at university, despite the possibility that it could perhaps be some 2 years before those recruited will commence their



employment. Some disabled students can, for a variety of reasons feel uncertain about their future circumstances, such as changing patterns of health management, and may be reluctant to commit to a placement so early in their training, believing that some flexibility in their working arrangements is unlikely to be provided by their recruiters.

In relation to this, comment was also made that the Law degree is very academically orientated and does not provide students with an appreciation of the realities of what the day-to-day work of a solicitor may involve. It was also highlighted that finding “vacation work” that would offer valuable experience can be as difficult as securing any other position for a disabled student. Thus, the disabled student may have little idea of how they can best meet (or explain to a potential employer) the challenges the work of a solicitor may present in relation to their additional support needs. The team felt that closer correlation between the support offered at university and within the workplace environment is required to improve this situation and a valuable suggestion was made

## TEAM TWO

# Education and Training

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concerning the possibility of exploring development of “sandwich” courses which are a feature of training in other professional fields.

The key point emerging from the team discussion was that given the competition in securing a training contract, gaining such a position may be considerably more challenging when the applicant has additional support needs which have to be accommodated. As stated by a team member:

*“The difficulty may not be in getting qualifications but in getting the employment afterwards”.*



Further factors were also identified that contributed towards the possibility that some Law students who had impairment may decide not to continue into the Law profession. The emotional impact upon the individual was recognised and the point made that in some cases (as a result of the challenges faced) a disabled person can lose faith in their own abilities. The team consensus was that there is a real need to find adequate ways in which to provide the necessary peer support so as not to lose the valuable contribution these students can make to the legal profession. An example was given from the field of Occupational Therapy where online facilities are available for people to chat freely about their experiences and offer advice (and support) to each other.

In common with many others, disabled students seek careers offering advancement, and it is not acceptable simply to *“have a job”*. However, a lack of knowledge and awareness about disability can lead to:

*“prejudice and belief in negative stereotypes which can result in discrimination”.*

Such attitudes were identified as apparent in many fields of employment creating barriers that prevent disabled people “climbing the career ladder”. These negative attitudes might induce employers to take the view that because *“you’ve got a job, you should be happy”*. It was

## TEAM TWO

# Education and Training

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agreed as important that such discriminatory attitudes and the barriers they create to achieving equality and diversity, and which may not be fully addressed by current legislation, be recognised within professional bodies and that they strive to promote positive attitudes and behaviour in practice.

The existence of “Achievers UK”, a website profiling ex-students, could be used as a potential tool to publicise positive disabled role models within the legal profession in Scotland which would serve to inspire, encourage and help mitigate against negative attitudes, alongside disability equality training and engagement programmes.

Discussions arose concerning the most appropriate means of addressing negative attitudes and assumptions, which were considered as key to increasing the participation of disabled people involved in the profession.

Learning from the inclusive nature of the event it was acknowledged that attitudes towards diversity can be positively challenged by increased contact with disabled people. However, to bring this about within the Legal profession in Scotland there would be a requirement for greater numbers of disabled people to be involved and an effective on-going programme would be required.

### **PRIORITIES TO ENCOURAGE DIVERSITY**

To increase Equality and Diversity within the Legal profession the following priorities were identified within the team:



There is a need to encourage more disabled young people to consider Law as a career, by promoting the profession and helping them make informed decisions. This advice should include consideration of both the demands of the education and training route beyond obtaining the LL.B degree and the provision of a greater awareness of the requirements of the work of a practising solicitor.

## **TEAM TWO**

### **Education and Training**

---

The starting point may be through careers advice delivered at school. However, drawing on the experience of team members, it was felt that the sole criteria for directing a student towards a career in Law appears to focus purely on the potential to achieve the necessary academic qualifications. This suggests that careers advice may not take into account important personal characteristics or the potential to meet challenges that may lie ahead.

It was thought vital that careers advisors are fully aware of the requirements, the process and the demands inherent in becoming a practising solicitor. It was also agreed that careers advisors should actively help and support the young person in reaching an informed decision. To achieve this there is a requirement to focus on assisting young people to access accurate information in schools, on-line, in libraries and more importantly, from careers advisors in person. This was an important point, recognising that for disabled young people it is more meaningful and beneficial to receive advice face to face, as well as accessing self-directed careers advice. In addition, there is a requirement for intensive training for careers advisors in relation to careers within the legal profession, providing them with an in-depth knowledge of the specific demands and opportunities that a career as a solicitor may offer to a disabled person.



The possibility of establishing information events aimed at careers advisors and delivered by Law professionals from all areas of the profession, was seen as a possible way to deliver the necessary training and develop improved partnership working with the Careers Service.

#### **SUPPORTS FOR STUDENTS AND TRAINEES**

To mitigate against disabled students opting not to continue to pursue a career in Law after university, it was agreed that some support mechanisms may be required. Using an on-line model (as used in other professional fields) to facilitate such support, was considered, as was incorporating a "Students Zone" into the existing Society's website. In

## **TEAM TWO**

### **Education and Training**

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previous discussion it was felt that many law students are unaware of the advice and assistance that the Society can offer, thus it was thought that raising awareness of their services amongst the student law population, universities and the careers service would be an important aspect of the strategy to develop an effective support mechanism.

#### **EQUALITY AND DIVERSITY EDUCATION**

Incorporating Diversity Equality training into the education and training of Law students was also considered to be important. There is a responsibility for everyone studying Law to fully understand and appreciate the range of needs of diverse groups within today's



society, given that these people will become future clients and work colleagues. Training, therefore, will enhance the effectiveness of all students to develop positive attitudes and behaviours of benefit to all.

#### **POST DIPLOMA TRAINING CONTRACTS**

To increase the number of disabled people qualifying as solicitors, the team concluded that it is vital to create circumstances whereby they can confidently obtain training positions within firms of practising solicitors.

To realise this and, to raise awareness of diversity issues with practicing solicitors firms, the team felt there may be a certain profile of law firms that could be best placed to successfully implement changes. The reasoning was as follows: Some small law firms may not have the resources to upgrade facilities to fully accommodate disabled staff, pursue policies designed to increase diversity equality, or provide the opportunities sought. Alternatively larger firms, often specialising in commercial law, are more likely to have the resources and policies in place to accommodate disabled candidates, but their highly commercial and profit driven orientation may make it an environment where few trainees or practitioners who have impairment are perceived as likely to be able to meet the demands of the firm.

## TEAM TWO

# Education and Training

---

It was concluded that the best group to target are medium sized firms (10-15 solicitors). They are likely to have the resources to accommodate disabled staff, be aware of the need to adopt “best practices” and tend to have a human resources specialist, thus are in a position to implement positive practice. It was also noted that links with the “medium sized” firms currently exist within the Law Society of Scotland’s structure which may help facilitate “getting them on board” and thus supporting the aim of positively promoting equality and diversity.

If successful in their approaches in engaging trainees and subsequently qualified solicitors who have impairment, they would present a positive and effective model to encourage and inspire other firms to increase the diversity of their workforce and partnerships. This would also have the effect of removing negative stereotypes and promote equality and positivity, or, as put by a team member, *“Disability doesn’t mean inability.”*

### RECOMMENDATIONS

#### 1. Careers Advice

To ensure careers advice pertaining to a career in Law delivered within schools is effective the team recommended that:



- 1.1. The Society host information and training events to inform careers advisors.
- 1.2. Seek ways of promoting the Law Society of Scotland and its services to schools in order to enhance the profile of the legal profession, including creation of a pack (or on-line resource) for use within schools.
- 1.3. Promote work experience placement opportunities (at the Society’s Offices) for disabled young people via local schools.
- 1.4. Encourage firms of solicitors to actively offer work experiences to disabled students via their local schools.

## TEAM TWO

# Education and Training

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(The above two points did not originate directly from team discussions, however, based on the previous research and experience of IDP it has been determined that schools experience considerable difficulties in arranging valuable work experience opportunities for disabled students and it was considered appropriate to include these recommendations).

### **2. Build support networks and increase awareness of the Society and its services.**

- 2.1. Promote and communicate the function and services of the Society highlighting the assistance that exists to support disabled students.
- 2.2. Incorporate into the Society's website a "Student's Zone" featuring disability issues and seek ways to develop the facility to enable students to seek advice, support and share experiences with each other. Disabled students should be actively involved in the design and content of the site.

### **3. Equality and Diversity Education**

- 3.1. Equality and Diversity education should be included as part of the Law degree and included as an aspect of the Diploma in Legal Practice or Professional Competence Course.
- 3.2. Equality and Diversity training programmes and opportunities to engage in working with disabled people should be offered as an on-going staff development opportunity and promoted to members of the Law Society of Scotland, their staff and members.



## **TEAM TWO**

### **Education and Training**

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#### **4. Improve opportunities for law students to secure Training Contracts**

- 4.1. Concentrate upon medium sized firms as a foundation strategy to support disabled law students in securing Post-Diploma training contracts.
- 4.2. Ensure the Society's members are fully aware of all available financial supports and advice to assist them in meeting any additional support needs of potential employees.
- 4.3. Use the successes of those firms achieving equality and diversity to inspire and motivate others. It was agreed that this could include publicity, diversity awards, publication of success stories from disabled trainees through "Achievers UK" or similar medium to create positive role models.
- 4.4. Actively engage with disabled solicitors/law students in the process of any proposed changes to education and training provision.

# TEAM THREE

## High Street Solicitors

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### TEAM THREE

#### HIGH STREET SOLICITORS

This team was composed of members of the Law Society of Scotland, both solicitors and senior administration staff and members of the general public.



#### TEAM REMIT:

- ❖ To examine the expectations, experiences and challenges that disabled people may have accessing High Street professional services, in particular legal services.
- ❖ To recognise that the Law Society of Scotland's role in this field is primarily to promote and motivate positive change amongst its members.
- ❖ In light of the above to identify key opportunities, methods, and best practice to promote to the profession (High Street Solicitors).

#### PARTICIPANTS

David Brown; Martha Brown – also scribe, Robert Jarvie; Sally Mackintosh - Facilitator; James Ness; Collette Paterson; Denise Robertson; Stuart Robertson, Amanda Young;

#### INTRODUCTION

The team was charged with exploring the experience and expectations disabled people have when accessing the services of High Street solicitors and, through working together, attempt to seek ways in which the Society can promote best practice to improve all aspects of service accessibility to their members (High Street Solicitors). Discussions commenced around areas viewed as important in terms of access and barriers.

# TEAM THREE

## High Street Solicitors

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### ACCESS

Access was agreed by all to begin before the first point of contact and was considered to cover four main areas:

- ❖ Access to information;
  - In relation to choice of which solicitor to use
  - Provision of information in alternative formats such as Braille, large print, on disc etc.
  - Access to information on the services provided by the Society and support agencies available to assist people such as interpreters and independent advocacy services.
- ❖ Physical Access into and around buildings.
- ❖ Communication between service providers and clients.
- ❖ Attitudes and assumptions of service providers and clients - considered especially important in accessing effective services.

### ACCESS TO INFORMATION AND SERVICES

Discussions considered how people find a solicitor who can best meet their needs or who has the expertise to provide services they require.

There were a variety of experiences highlighted which included:



- ❖ Personal recommendation – expectations were considered to be more realistic when using a solicitor who has been personally recommended and it was felt this was a preferred way of making contact.
- ❖ General approaches to firms without any prior knowledge of the services provided or expertise offered.
- ❖ Yellow pages and advertising leading to telephone enquiries.
- ❖ Internet approaches.
- ❖ Through an independent advocate or social work services.

## TEAM THREE

### High Street Solicitors

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None of the service users mentioned contacting the Law Society of Scotland at this point or gave an indication of an understanding of the services provided.

#### ACCESS TO INFORMATION

In terms of access to relevant and meaningful information for disabled people the following were considered to be important:

- ❖ Availability of documents and explanations in plain English for people who have intellectual impairment, mental health issues or reading difficulties such as dyslexia, brain injury or after a stroke.
- ❖ Use of an independent advocate where necessary (further details on Independent Advocacy can be found in Appendix 3).
- ❖ Availability of information in alternative formats such as large print, Braille and on disc. These should be available within a reasonable timescale, to prevent people having to wait for lengthy periods before receiving them.
- ❖ Availability and knowledge of external support services such as interpreters.



In terms of providing information in alternative formats it was noted that 10% of small firms do not have access to computers or use of the internet or email. This is a barrier especially for people who have a visual impairment and may require information on disc or via email so they can use 'screen reading' software to access information.

It was agreed that many solicitors will offer accessible services and one team member highlighted the positive experiences he had had when using legal services in the drawing up of a will

## TEAM THREE High Street Solicitors

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*"I can read well but find some long words hard to understand. I had .... (an advocacy worker) come with me to make sure that they put all of the things I wanted into my will so that my son would get what I wanted him to have. I had to set up a trust fund as well and needed help to understand it. The solicitor was very good and explained it all to me so I could understand and ..... didn't need to help me much"*

The team considered access to accurate information not only being the priority for disabled people but also relevant for solicitors and their staff. It was agreed this access should include:

- ❖ Up to date information on how to contact independent advocacy groups; where to access interpreters for hearing impaired people and how to access information in alternative formats.
- ❖ Guidance and information on how best to be able to meet the range of needs a disabled person may have.
- ❖ Accurate information from the client regarding any additional support needs he/she may have and how best these can be met.

### PHYSICAL ACCESS



It was appreciated that not all buildings could be adapted to enable full physical access, especially for wheelchair users. However, in those buildings where adjustments were possible the team agreed that every effort should be made to ensure accessibility; this could include the use of ramps, lifts, hearing loop systems and appropriate signage.

In the event that a building was not able to accommodate adequate entry for a disabled person it was agreed, (as stipulated by the Disability Discrimination Act), that alternative arrangements should be made to provide a service. This could include offering the person a home visit or making arrangements to meet at a convenient and accessible alternative venue.

# TEAM THREE

## High Street Solicitors

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One particular experience highlighting a failure to provide suitable alternatives was given by a team member.

*“A few years ago I was experiencing a particularly nasty divorce and, as a result, had mental health issues because I could not cope with the stress and violence associated with it. I was at a really low ebb. I am a wheelchair user and was unable to gain access to the meeting room at my solicitor’s office, so when I went to visit I was admitted to the broom cupboard where my solicitor spoke to me. The conversations were of a very personal nature and were subsequently carried out in full view and hearing of anyone coming through the front door because the cupboard was too small to accommodate me, thus the door remained open. Although this was unacceptable I did not make a fuss at the time because of my depressed state and inability to speak confidently for myself. Things would be very different now, but I feel the solicitor should have shown greater understanding and made more efforts to provide me with a more private and welcoming place to discuss my case than to be surrounded by cleaning equipment”*

Other experiences discussed were more positive, with team members detailing home visits as a valuable alternative when required.

### COMMUNICATION

#### LEGAL ISSUES



There were a number of legal issues highlighted that created potential barriers to effective communication. It was agreed that greater lateral thinking is required to remove these particular barriers. Issues identified included:

- ❖ Comprehension – lawyers cannot act for a client if the client is unable to instruct them effectively. Neither can they act for a client if they believe that the client is unable to comprehend their instructions or comments and is unable or refuses to acknowledge

## TEAM THREE

### High Street Solicitors

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that they have a comprehension problem. In situations where clients have mental health issues or brain injury, and the solicitor has concerns in relation to their ability to comprehend, they are duty bound to refuse to act for them. In cases where clients have mental health or comprehension problems and acknowledge the fact, there are procedures that can be put in place to provide them with appropriate independent advocates, guardians and curates. The team felt this was an issue of importance and one that regularly creates difficulty for solicitors and clients alike.

It was suggested that consultation be initiated around the development of a set procedure for Solicitors to follow in the event that they feel they are not best qualified to deal with a client's specific needs, especially in relation to Mental Health issues as described above. This is an area recognised as creating particular difficulties for solicitors as they strive to provide an effective service for clients.

- ❖ Requests for documents in plain English. Practical difficulties are experienced in the summarising of documents in this way and it was stated that Solicitors are often not able to simplify documents because of legal protection and insurance difficulties. There is also a risk that in paraphrasing documents, parts can be omitted and client may not therefore, understand the full context of document. It was noted that things are simpler now because the use of Latin is no longer required in legal documents, however, ensuring clients are able to fully understand complex documents remains an issue.
- ❖ Correspondence can be an issue. The bulk of correspondence from solicitors uses the written word. It was agreed that lateral thinking again is required to provide alternative and effective means of correspondence that remain legally sound. This is a complex area and should be basis for consultation in order to seek alternatives.



# TEAM THREE

## High Street Solicitors

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### GENERAL COMMUNICATION

It was unanimously agreed that for any communication to be effective between members of the legal professional and their clients, there must be trust and confidence established at the outset. This was felt to be crucial in establishing an effective relationship. Since August 2005, there has been a legal requirement to advise potential clients of business arrangements, detailing how much the service is going to cost, who and what will be involved. Any additional support requirements should be outlined at this stage. It was noted that this is relatively common practice today.

❖ The team agreed that for any additional needs to be satisfactorily met there is a responsibility for the solicitor and his staff to ascertain if the client has any additional support requirements as a result of a disability, and how these can best be met to improve their service delivery. This should take place at the initial point of contact, which is generally via telephone. In this way any additional requirements can be put in place before the client meets face to face with their solicitor. However, there is also a responsibility for disabled people to ensure that their solicitor is aware of any impairment and additional supports they may require. This was considered to be a very important point and one often considered to be neglected.



❖ The team also agreed that disabled people should not accept poor or inaccessible services and should tell the solicitor if services are not adequate. Working together can alleviate many problems.

❖ Solicitors should be more aware of the difficulties in understanding any legal process or document that the majority of clients experience, especially those who have intellectual impairment or mental health issues. The majority of people feel bewildered when talking to a solicitor and have difficulty understanding legal jargon. Taking time to ensure optimum understanding is crucial as is the use



## TEAM THREE

# High Street Solicitors

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of plain English and utilising the services of an independent advocate as required.

### ATTITUDES AND ASSUMPTIONS

This was deemed as a very important area for all participants. Negative attitudes towards a person with any form of impairment are highly detrimental not only to the development of a trusting client/solicitor relationship but also to a person's self esteem and confidence.

Many barriers are created for disabled people in society through negative attitudes to their impairment or assumptions that they are not capable of understanding or doing 'normal things'. It was acknowledged that the Disability Discrimination Act and the promotion of equality in society was making a positive difference. However, there remain, in many areas of society, barriers to equality that are caused through people's fear, misperceptions and lack of understanding about disability and how impairment affects individual's lives. The participants unanimously agreed that promotion of positive attitudes and assisting people to gain a greater understanding of disability would be accomplished through working together, on-going training and staff development.

### RECOMMENDATIONS

In order for the solicitor to ensure effective service delivery and adequately meet the needs of the client the following suggestions were made to assist the Society in promoting best practice. It was acknowledged that generally if the Society recommends something as best practice then most solicitor firms will adopt it, thus these suggestions could have a wide ranging impact and alleviate many difficulties for people across the country.



1. Staff on all levels, especially the telephone and reception staff, should have on-going training in disability equality and awareness.

## TEAM THREE

### High Street Solicitors

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Disability Equality training or focus groups/workshops with disabled people will help remove the fear factor and improve understanding, which will encourage solicitors and their staff to ask questions and not categorise or 'pigeon hole' clients or be worried about causing unintentional offence.

2. Front line staff especially, need to be able to ascertain sensitively, at the first point of contact, if any additional supports are required and how these can be provided. This would ensure that supports are in place when the client arrives for a consultation with the solicitor. It will also ensure that alternative arrangements can be made in the event of offices not being accessible for a particular client.

3. When using the internet to find a solicitor there are currently no symbols or information to indicate the building accessibility or support services (hearing loop system, lift, etc) being available within a solicitor's practice. The Society are



updating and compiling a new database, and it was emphasised that this should have the capacity to include this information. A consultation with Law Society of Scotland members would be required to ensure that up to date and accurate information is gathered on the accessibility of their services and buildings. It is important to ensure that the database accuracy is maintained and remains up to date.

4. To address a number of areas of accessibility for Society members, the team recommended the development of a series of Disability Guidelines. This was viewed as being a valuable resource in the promotion of best practice and one that would be possible to implement in a short time frame. It was agreed that these guidelines could not be prescriptive, as each person is a unique individual and any additional support needs will be specific to them.

## TEAM THREE

### High Street Solicitors

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The guidelines, however, were envisaged as covering generic areas of disability and would provide a “pick and mix” of suggestions to ease effective service provision and assist solicitors in ways of best meeting their clients needs.

The Guidelines would contain sections, for instance, on Hearing Impairment; Visual Impairment; Mental Health; Learning Disability; Physical Impairment; Brain Injury etc. Each would provide suggestions that would enable ease of access to relevant services, information and access issues.

It was suggested that the Society would consult with various disability organisations in determining appropriate content of the Guidelines.

5. The Society’s website was viewed as being the most appropriate means of delivering the Guidelines to Society members, with its ability to ensure ease of updating. It was considered that this would provide an excellent foundation for engaging with Society members and would offer a manageable means of promoting best practice for legal firms in their efforts to meet people’s needs and provide accessible and efficient services.



6. There was also a suggestion that disability organisations should be producing guidelines for disabled people on how to negotiate services to ensure their needs can be effectively met. This would be especially valuable for people who are lacking in confidence or have any communication difficulties.
7. Language and terminology were considered important but also an area creating some difficulties. It was agreed that terminology changes regularly with political correctness, sometimes creating additional barriers. Removing labels, where possible, was felt to be preferable but not always possible if people’s needs are to be

## TEAM THREE

### High Street Solicitors

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adequately met. Disability Equality Training for staff and Society members at all levels would be beneficial in establishing preferred language and a greater understanding of disability issues.

8. The Society currently offers training that is open to staff at all levels from member services. The team agreed that Disability Equality training and engagement consultation sessions with disabled people should be offered more widely and promoted to Society members.

9. The team felt that the Society should establish a higher profile within disability organisations, support services and statutory organisations such as council and social work services. It was felt that



many people are unaware of their function and services offered, especially services improving access for disabled people. A public relations campaign and wider networking to promote services would be beneficial. The more service providers who are aware of the Law Society of Scotland services, the wider the information and knowledge can be spread amongst potential clients.

# TEAM FOUR

## Communication

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### TEAM FOUR

#### COMMUNICATION

This team included members of the Law Society of Scotland's reception services, records and Corporate Communications with interested members of the public.



#### TEAM REMIT

- ❖ To examine the expectations, experiences and challenges that disabled people may have with communicating with organisations and, specifically, to consider, from the perspective of disabled people, how the Society communicated with the public.
- ❖ To assess the perception the team had of the Law Society of Scotland and the Legal Profession
- ❖ To identify specific improvements and developments in respect of communication generally.

#### PARTICIPANTS

Clifford Hughes, Gary Innes, Peter Nicholson, Suzy Powell, William Reid, George Samson, John Stuart, Patrick Ward (scribe), Ritchie Wilson – facilitator, Dorothy Young,

#### IDENTIFICATION OF POSSIBLE BARRIERS TO COMMUNICATION

Within the team there was a rich mix of people who had physical, sensory and communication impairment, which proved invaluable in discussions pertaining to communication and access to information. The team began discussions by identifying the barriers and potential barriers to communication. It was recognised that the “initial point of contact” when accessing the services of the Society, was most important. This “initial contact” was considered as including a range of options such as visiting the Society premises and being received by reception staff, the first telephone call to the Society and/or receipt of written information.

## TEAM FOUR Communication

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This highlighted the main aspects of contact - physical access to buildings, language, attitudes and assumptions, oral communication via telephone and written information.

### PHYSICAL ACCESS TO LAW SOCIETY OF SCOTLAND BUILDINGS



The physical accessibility of buildings remains a concern to many disabled people and the team discussions emphasised this point. It was acknowledged that despite the Society offices being located in an old Edinburgh building, excellent attempts have been made to improve access. Access is available to most floors via lift, however being an old building, with stairs and steps, it was acknowledged that physical accessibility may be restricted. The Society offices do, however, have a wheelchair lift at the front door, two fully accessible toilets at ground level and evacuation chairs are available should they be required. In addition, a minicom system and induction loops are available at Reception and within one meeting room.

During the discussions it was recognised that an ideal opportunity to appreciate and enhance the accessibility of the physical environment was through increased involvement with disabled people. It was felt that the potential of inviting participants to visit the Society offices could be explored, to view facilities and offer feedback on the physical environment.

### LANGUAGE

The use of language to describe and refer to impairment was identified as a concern by the team. Whilst many disabled people have had experience of being spoken to in offensive language, this is not the norm. However, the use of inappropriate terminology and language can cause offence to individuals, often inadvertently. In terms of language, there is also the fear held by non-disabled people and service providers of offending a disabled person through saying “the wrong thing” or being “non PC”. This can result in service providers “shying away” from

## TEAM FOUR Communication

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meaningful contact, and thus limiting effective communication between service users and providers.

The consensus was that by treating the person with respect, and having some awareness of the words that often cause offence, problematic communication could be easily avoided.

### TELEPHONE CONTACT

It was acknowledged that initial contact with the Law Society of Scotland was often by telephone, which may cause difficulties for people who have impairment. The availability of adaptive technology was discussed and the team noted that, with the variety of



technology now available, many barriers to communication could be easily overcome. Experiences were shared illustrating the use of adaptive technology, such as the recording devices that can be fitted to telephones to assist people with visual impairment, as supplied by the RNIB; the use of text phones and other 'hearing impairment services'.

People who have communication impairment often experience difficulty using a telephone for a range of reasons. The informational needs of front line reception staff are such that it may be necessary to hold a complicated conversation with the caller, therefore, for those with a speech impairment this can often result in frustration, real difficulty and the potential misunderstanding over what has been said. The team considered this a very important area with the first point of contact often being through use of the telephone and made the following suggestions.

It was considered that reception staff might assist callers (or visitors) through use of a questioning process requiring less verbal input from the caller, such as questions requiring a "yes" or "no" response, rather than asking for lengthy explanation. Where details had been provided, it was considered to be helpful for the receptionist to relay back the information to the caller for confirmation of its accuracy. Again,

## TEAM FOUR Communication

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knowledge of the use of adaptive technology was suggested as a potential solution and it was agreed that staff may not be sufficiently aware of the full range of specialist assistance available or be proficient in their use where they were available (AbilityNet provide expert advice and solutions in adaptive technology – details in Contacts section). It was agreed that greater engagement with disability groups and specialist providers could assist the development of procedures and systems that would go a long way in reducing communication barriers.

Similar communication difficulties concerning people who were not able to speak English were also highlighted as perhaps having some parallels with those with communication impairment. It was agreed that the development of effective practices and procedures to alleviate one area of communication difficulty may be of positive benefit in other areas of communication.

### PRINTED MATERIAL

Written information leaflets may be a person's first point of contact with the Society, especially in relation to the complaints function. This leaflet should be as accessible as possible for people who may have a range of impairment. The use of non-glossy paper, contrasting colours, font and



text size should be considered in assisting people who may have a visual impairment and the use of as little text as possible to keep the visual impact simple for people who may have had a stroke or brain injury was discussed. It was noted that advice is available from major disability organisations in the preparation of accessible written material, especially the Scottish Accessible Information Forum. It was noted that the Society is currently exploring ways of making their printed communications more accessible to a wider audience.



## TEAM FOUR Communication

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- ❖ The functions and services provided by the Society did not appear to be well known amongst the non Society team members. Thus, to increase awareness and visibility, the possibility of making information available (in alternative formats) outlining the functions of the Society was suggested.



It was noted that much information about the Society is available on-line and the Society is seeking feedback from disabled people regarding the accessibility and content of their websites [www.lawscot.org.uk](http://www.lawscot.org.uk) and [www.journalonline.co.uk](http://www.journalonline.co.uk).

### **SIMPLIFICATION OF LEGAL LANGUAGE**

Within all areas of communication it was recognised that legal terminology can often cause confusion and that current initiatives looking towards “Jargon busting” and use of plain English (where possible) would be welcome.

### **HOME VISITS TO ASSIST WITH COMPLAINTS PROCEDURES**

The team acknowledged that to assist anyone with additional support needs, the Society staff can arrange a home visit by the Case Manager to discuss issues relating to a complaint to the Society. This was an option that was welcomed and felt to be of benefit, especially to those people for whom travel may be difficult or whose mobility or communication is impaired.

During the course of the discussions the team also explored the subject of communication with High Street solicitor services. Here it was acknowledged that many solicitors’ offices are becoming increasingly accessible to clients with physical impairment and, in addition, most solicitors would offer a home visit in the event of offices being inaccessible to the client.

Within the team concerns were raised over the potential expense that may be incurred for a person who required additional time (perhaps due

## TEAM FOUR Communication

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to communication impairment) when discussing their situation and their need for legal advice. It was suggested that clients should “shop around” to establish costs before engaging a solicitor. It was further explained that often initial free interviews are available, allowing clients the time to explain their needs and requirements and for the solicitors to give guidance as to how a matter may be progressed.



In terms of the difficulties sometimes experienced in finding and engaging a solicitor, it was emphasised that the Society could offer assistance. A person requiring this advice should contact the Society’s Records Department who will provide contact information for three firms of solicitors in the desired geographic area and with the appropriate experience and expertise required. In addition, the website offers details of specialist legal firms and solicitors.

### RECOMMENDATIONS

To summarise the team discussions and to emphasise the need to take action on the many important points raised a number of recommendations were agreed:

1. There is a need for the Law Society of Scotland to increase its visibility and provide easily accessible information and details of its services. Promotion should be focused on development of wider ranging partnerships and networks with disability organisations, statutory and public sector agencies, such as Social Work and voluntary sector services. Awareness of the Society could also be increased by creating website links to other disability related sites. (NB this recommendation did not originate from the team but is thought to be a useful addition)
2. Improve personal communication and strive to simplify and enhance channels of communication to ensure callers and visitors to the Society are provided with sufficient time and support when making the “initial contact” and beyond.

## TEAM FOUR Communication

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3. Involve and engage disabled people in advising on the accessibility of the physical environment of the Society offices and to seek their views and advice on any proposed adaptations to the physical layout of the building and additional aids to be installed.
4. Develop inclusive procedures to enhance “Initial Contact” to enable people with communication and other impairment to communicate effectively with front line reception staff. This would include involvement of disabled people in the design of the procedures, and in their providing valuable input to the training of staff.
5. Equality Training should incorporate a focus on the use of language. This would increase the confidence of staff when dealing with disabled people.
6. Creation of information (available in alternative formats) providing details of the function and services of the Society. It should highlight ways in which the Society can accommodate people’s additional support needs and offer guidance when engaging a solicitor.
7. Ensuring current websites, and any redesign of websites, are fully accessible and offer useful information to disabled people.

## Participant Comments

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"It was useful meeting up a few days earlier to clarify issues in a non personal way before the event".



"The team I was in changed on the morning of the event, but it made no difference in that I felt I was able to contribute to the new team and I personally got a lot out of my team"



"A most useful exercise and thought provoking. Good feedback from the teams".



"I have met some very interesting people, some of whom I shall keep in contact with in the future"



"Good to be involved. I hope it goes places"



"I really consider that the day went a long way to challenging my assumptions"



"It was good to meet with lots of people with different disabilities which opened my mind"



"I already had some awareness of disability but because of being in a position of meeting so many different people with different needs, I realise how blinkered my understanding has been"



"Because of the nature of the workshop I had no idea what to expect. However, I found the whole experience really excellent".



"Good opportunity to network and hear other opinions and views. Thoroughly enjoyed the whole day".

## Participant Comments

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“A very worthwhile day, challenging but most of all enjoyable – fully attentive every minute, no switch off!”



“I was perhaps not the right person to be here but will certainly make my employers (SAMH) aware of the need to link with the Law Society of Scotland. Very thought provoking day”



“From a personal perspective the event provided little direct feedback on the kind of work I do (written communication), though discussion on the examples of positive and negative terminology provided in the first session produced an interesting divergence of views (including the disabled people disagreeing with some things we were advised to avoid!)”



“I very much enjoyed the day. I hope I had some useful insights to pass on”.



“This has made me realise that we need to broaden our contacts”



“The information and meeting was excellent and more than met my expectations”



“Very lively and interesting session. Worth doing”



“Excellent day”



“I found the experience an interesting development from previous experiences I have had. Enjoyed periods of discussion and benefited from interchange with others viewpoints whilst coping with their own disabilities”



“I felt a little out of my depth at times as I am not a solicitor”

# RECOMMENDATIONS AND CONCLUSION

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## RECOMMENDATIONS AND CONCLUSION

It was the remit of this workshop to highlight issues and seek solutions pertaining to the accessibility of the Law Society of Scotland and High Street solicitor services, for disabled people. Four facilitated teams, comprising 50% disabled people and 50% Law Society of Scotland staff and members, worked throughout the day to explore current services, identify issues and seek ways to overcome barriers. The teams successfully achieved their aims and a great deal of valuable information was gathered in a relatively short space of time.

Through the course of their discussions each of the teams agreed on a number of recommendations to address issues identified. These are detailed below. Despite each team concentrating on different aspects of the services of the Society, a number of common themes emerged, especially in relation to the profile and lack of 'visibility' of the Society, with many people not being aware of the services offered. The need for Disability Equality training for staff at all levels, enhanced by continued engagement and involvement of disabled people was also a recurrent theme within the teams, along with the necessity for continued engagement and involvement of disabled people in developing accessible services and an effective equality and diversity strategy.

## RECOMMENDATIONS

The following are outlines of the recommendations made by participants. They form a compilation of outcomes from all four teams and full details can be found in the recommendations section of each team report.

### A. Increasing the profile of the Law Society

1. Development of a public relations campaign to increase awareness of the Law Society of Scotland and its services.
2. Provision of opportunity for the Society staff to develop wider ranging networks with statutory and voluntary sector agencies and disability organisations.

# RECOMMENDATIONS AND CONCLUSION

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## B. Access to legal representation and advice

1. Explore methods for people to easily identify solicitors who specialise in providing services for people with mental health issues and other impairment, including details of independent advocacy and mental welfare organisations, as well as those providing support for people who have physical or sensory impairment.
2. Promote to the Society staff and members awareness of the duty placed on Health Boards and Local Authorities to ensure that independent advocacy is available in order that they can advise clients where to access such a service if required.
3. Accessible and wider ranging information should be made available on the Legal Aid process, including the details of solicitors offering Legal Aid services.
4. Consideration by the Society of conducting a consultation and promotional exercise with its members, to determine methods to improve the provision of services for people with mental health issues.

## C. Education and Training

1. An on-going focus on mandatory Disability Equality Training for staff of all levels, which should include a focus on the use of language and be delivered by qualified disabled people and organisations.
2. Develop relations with universities to include Disability Equality and Diversity training as part of the Law degree and included as an aspect of the Diploma in Legal Practice or Professional Competence Course.
3. The Society should host information and training events to provide Careers Advisors with accurate knowledge and understanding of all aspects of careers within the legal profession and how best to promote this effectively to students.

## **RECOMMENDATIONS AND CONCLUSION**

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4. Seek ways of promoting the Law Society of Scotland and its services within schools to enhance the profile of the legal profession.
5. Create a pack (or on-line resource) for use within schools.
6. Promote within legal firms the offering of work experience placement opportunities for disabled young people via local schools.
7. Incorporate into the Society's website a "Student's Zone" featuring disability issues and seek ways to develop the facility to enable students to seek advice, support and share experiences with each other. Disabled students should be actively involved in the design and content of the site.
8. Establish a programme of working with medium sized law firms to develop a strategy to support disabled law students in securing Post-Diploma training contracts.
9. Ensure Law Society of Scotland members are fully aware of all available financial supports and advice to assist them in meeting any additional support needs of potential employees.
10. Actively engage with disabled solicitors/law students in the process of any proposed changes to education and training provision.

### **D. Accessibility, Promotion of Best Practice and General Communication**

1. Development of a series of Disability Guidelines as a valuable resource in the promotion of best practice to High Street solicitors. The Guidelines should contain a variety of sections offering a "pick and mix" of advice and information on physical, sensory, intellectual and communication impairment and mental health and how to best meet people's needs.
2. Active and on-going engagement of disabled people in the development of strategies, initiatives and training.



## **RECOMMENDATIONS AND CONCLUSION**

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3. Emphasis on the development, in consultation with disabled people, of practices to encourage open disclosure of any additional support needs they have, especially at initial point of contact, in order that services can be more effectively provided.
4. Greater face to face contact with Case Managers involved in complaints cases.
5. Audit of complaints received by disabled people to identify and evaluate any common themes emerging .
6. Continuous review of website to ensure optimum accessibility for people with all forms of impairment.
7. Ensuring all paper-based information and forms are available on-line and vice versa.

Not all of the recommendations have been detailed here but those that have offer an abridged version of the solutions determined to address the major barriers identified across the teams. The majority of public members of the teams expressed a willingness to continue working with IDP and the Society where possible to progress the recommendations made.

### **CONCLUSION**

Some of the greatest benefits of this form of engagement are demonstrated by the achievements gained through working together, hearing the views and experiences of disabled people and valuing their contribution and for service providers to gain an insight into how they can adapt their practices to make services equally accessible to everyone. This form of inclusive consultation, however, can only have a lasting positive effect if the outcomes of discussions and recommendations are promoted, continued and valued. Kieran Meehan in his "Meehan Streak" from the Scotsman newspaper, aptly demonstrates the pointlessness of tokenistic consultation.

## RECOMMENDATIONS AND CONCLUSION



(Reproduced by kind permission of Kieran Meehan)

All participants demonstrated commitment and willingness to learn and work together. All disabled participants without exception, expressed the desire to be treated as equals; to work in partnership to assist service providers in being able to appreciate and find ways to meet their additional support needs rather than the desire to be given “different” or “special” treatment.

Whilst great enthusiasm and commitment was obvious, no person went away from the workshops under any illusion that the problems have been solved. There is still a way to go, where progress needs to be made in continuing the process of engagement, developing a dynamic and forward thinking equality and diversity strategy, and building more efficient partnerships with external agencies.

Disability Legislation places a responsibility on the Law Society of Scotland and its members to actively engage with disabled people in the development of its equality and diversity strategies and to stress to its members the need for best practice in providing accessible services. The excellent work already completed, this workshop and future engagement of disabled people and involvement programmes such as the Equality Forum, will provide an ideal platform for examining service provision and the future development of accessible services. With government agendas focusing on genuine equality and inclusion of all members of society and their right to equal access to services and career development opportunities, the need for real and continued collaboration and effective working between all stakeholders is crucial.

It is hoped that this programme has provided the opportunity for all parties to reflect on current practice, individual views on disability and the value of thinking “out of the box”. Innovation and creativity in

## **RECOMMENDATIONS AND CONCLUSION**

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resolving issues or problems can rapidly occur and it is hoped that this programme has demonstrated this is possible in a number of ways. Action and resources are required to effect real and meaningful change.

# Appendix 1

## Client Relation Office Functions

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The Client Relations Office handles complaints against solicitors in Scotland. The Society has the statutory duty to investigate complaints of Inadequate Professional Service (IPS) and Professional Misconduct (PM). IPS is almost invariably directed against the firm providing the service. A misconduct complaint can only be directed against an individual solicitor.

In the event of a complaint against the Society's handling of a complaint, the case would be referred to the Scottish Legal Services Ombudsman (a body consisting of non-legal members appointed by the Scottish Executive). The Ombudsman would investigate the handling of a complaint under the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990. The ombudsman cannot use the provisions of the DDA.

### **Making a complaint**

The procedure for making a complaint involves the submission of written complaints forms which are received by Case Managers. The Case Managers will discuss the complaint via telephone and may also meet with complainants in person. They will suggest either conciliation or a written investigation.

If a written investigation is conducted volunteer Reporters, who may be either a solicitor or non-solicitor, will examine the files and make appropriate recommendations. The reporter's identities are withheld from all parties concerned. If the matter cannot be resolved at this stage, it will go to one of the 12 Client Relations Committees which will decide the outcome of the complaint.

In the event of a complaint relating to professional misconduct, the case will be passed to the Professional Conduct Committee.

The Client Relations office also provides a help-line in relation to complaints.

The Client Care Committee oversees the whole process to ensure speedy and efficient handling of complaints. The membership of all committees is divided evenly between solicitors and non-solicitors.

## **APPENDIX 2**

# **Education and Training for Solicitors in Scotland**

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The entry route for solicitors in Scotland begins with one of a short list of recognised Scottish degrees in Law. Non-graduates can complete a three-year Pre-Diploma training contract with a solicitor and sit examinations set by the Law Society of Scotland. Alternatively there is an accelerated degree course in Law which Honours graduates in other subjects can take.

After completion of the **Scottish LL.B degree or Law Society of Scotland examinations**, all intending solicitors are required to take the **Diploma in Legal Practice**. This lasts seven months. It covers basic skills and knowledge including conveyancing, private client, civil court practice, company/commercial and public administration

Thereafter, a **Post-Diploma training contract** (two year's duration) with a practising solicitor is undertaken. This may be in private practice, with the Crown Office, Local Authorities or certain public bodies. The training is monitored by means of logbooks and Quarterly Performance Reviews submitted to the Law Society of Scotland. All training contracts have salaries based on scales recommended by the Society.

A modular **Professional Competence Course** is then taken between six and 18 months into the traineeship but typically at the end of the first year. Subjects include commercial awareness, risk management, complaints and effective legal communications. There is no formal examination at this stage.

A **Test Of Professional Competence** is taken towards the end of the traineeship and establishes whether someone is a "fit and proper person" to be a solicitor. If successful the trainee is then entitled to apply for a full practising certificate.

From "Into Law" Skill National Bureau for Students with Disabilities.

## APPENDIX 3

# Independent Advocacy

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Many people in society are disempowered by systems which have a significant effect on almost every aspect of their lives. These are people who are disempowered to such an extent that they are unlikely to be able to fulfil their basic human needs, or demand their basic human rights. A person's initial hopes and dreams can be severely limited by this. Independent Advocacy can help to widen a person's horizons and enable them to become active members of society.

*(Extracted from "Principles and Standards in Independent Advocacy Organisations and Groups", Advocacy 2000)*

There are a number of models of independent advocacy. These are:

- Independent Professional Advocacy
- Citizen Advocacy
- Collective/Group Advocacy
- Self Advocacy

The main themes of advocacy are:

- ❖ Safeguarding people who are vulnerable and discriminated against or for whom services find difficult to serve.
- ❖ Empowering people who need a stronger voice by enabling them to express their own needs and make their own decisions.
- ❖ Enabling people to gain access to information, explore and understand their options, and to make their views and wishes known.
- ❖ Speaking on behalf of people who are unable to do so for themselves.

Under the 2003 Act every person with a mental disorder has a right of access to independent advocacy. The Act places mutual responsibilities on each local authority in collaboration with the relevant Health Board, to secure the availability, for persons in its area who have a mental disorder, of independent advocacy services and to take appropriate steps to ensure that those persons have the opportunity of making use of those services.

## APPENDIX 3

# Independent Advocacy

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Independent advocacy provides people with support and representation enabling them to have as much control of, or capacity to influence, their situation as is possible in the circumstances.

Independent advocacy can enable a person to express their needs and thoughts and to make these known to those who are making decisions about their legal situation and welfare. The role of independent advocacy is to help a person to understand their options and to convey their views. It is not the role of an independent advocate to make decisions for the person he/she is there to offer support to, they simply facilitate the person's decision-making.

To find an advocacy organisation in Scotland contact Scottish Independent Advocacy Alliance (SIAA) at 138 Slateford Road, Edinburgh EH14 1LR. Tel: 0131 455 8183 or visit [www.siaa.org.uk/directory.php](http://www.siaa.org.uk/directory.php)

### **Legal Representation for Service Users (taken from the SIAA website)**

*“As part of the wider debate on legal representation and support for vulnerable people in terms of the introduction of the Mental Health (Care and Treatment) (Scotland) Act 2003 and the review of the Adults with Incapacity (Scotland) Act 2000, the SIAA has been considering what is good practice for Independent Advocates when helping their advocacy partners find a solicitor. In order to avoid compromising themselves, Independent Advocacy organisations cannot recommend particular solicitors or law practices.*

*It is known that in order to help their advocacy partners choose an appropriate solicitor, some advocacy organisations have compiled lists of solicitors who specialise in Mental Health and Adults with Incapacity legislation. This is useful because it provides advocacy partners with relevant information and saves them having to trawl through the phone book. Also it means that the advocate remains independent and separate from the solicitor their advocacy partner may choose.*

*Alternatively, the Law Society of Scotland lists all law practices and solicitors in Scotland, along with their specialist areas of work at [www.lawscot.org.uk](http://www.lawscot.org.uk).”*

## **APPENDIX 4**

### **Inclusion Development Partnership**

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IDP are an independent equality and diversity consultancy whose services are based on the philosophy that to be effective, service development and delivery must begin with the service user.

We offer a comprehensive range of consultancy and project management services for organisations across all sectors who wish to effectively **engage service user groups** in the promotion, development and evaluation of their equality policies and service provision.

Our programmes provide an exciting model of involving people, designed to inform service development and improvement through meaningful engagement of service user groups. Our 50:50 model of working, developed by the DARE Foundation, enables flexible engagement with any service user group.

In line with current legislative requirements and national guidelines for the involvement and engagement of disabled people and other service user groups, this proven format of working can be individually tailored to the needs of your organisation and also facilitates the continued development of your staff.

#### **Our services include:**

- Project Management**
- Service/policy review workshops, engaging service users**
- Focus Group work**
- Engagement programmes with associated service improvement project work and staff development**
- Diversity Consultancy facilitating your staff to develop and implement effective inclusive practices**
- Staff development programmes**

**“Any solicitors, law firms, or legal organisations interested are welcome to contact the Head of Diversity at the Law Society of Scotland (currently Neil Stevenson) to discuss the Society’s positive experience of working with IDP”**

**Inclusion Development Partnership, IDP House, 5 St Mary’s Place  
Kirkcaldy, KY1 2RG Tel: 01592 202 244: Fax: 01592 202 244  
E-mail: [inclusionpartnership@supanet.com](mailto:inclusionpartnership@supanet.com)  
Website: [www.inclusion-idp.org](http://www.inclusion-idp.org)**



## 1. The Law Society of Scotland

The governing body of the solicitor branch of the legal profession. Offering advice and services to both the legal profession and the general public.

26 Drumsheugh Gardens  
Edinburgh EH3 7YR  
Tel: 0131 226 7411  
Fax: 0131 225 2934  
Email [lawscot@lawscot.org.uk](mailto:lawscot@lawscot.org.uk)  
Website: [www.lawscot.org.uk](http://www.lawscot.org.uk)

## 2. Disability Rights Commission

Information and advice on legislation  
Telephone: 0845 7622 633  
Textphone: 0845 7622 644  
Fax: 0845 778 878  
Email [enquiry@drc-gb.org](mailto:enquiry@drc-gb.org) [www.drc-gb.org](http://www.drc-gb.org)

## 3. Abilitynet Scotland

Providing adaptive technology solutions for employers and individuals  
PO Box 28423  
South Queensferry, EH30 9ZN  
Tel: 0131 331 6381 [www.abilitynet.org.uk](http://www.abilitynet.org.uk)

## 4. Inclusion Development Partnership (IDP)

Equality and Diversity consultants specialising in the engagement of service user groups in developing and improving services  
IDP House  
5 St Mary's Place  
Kirkcaldy KY1 2RG  
Tel: 01592 202244  
Email: [inclusionpartnership@supanet.com](mailto:inclusionpartnership@supanet.com)  
Website: [www.inclusion-idp.org](http://www.inclusion-idp.org)

## 5. Access to Work Grants and Jobcentreplus

[www.jobcentreplus.gov.uk/customers/](http://www.jobcentreplus.gov.uk/customers/)  
Click Customers - Click Access to Work

## 6. Skill Scotland

Promoting learning and employment opportunities for disabled people

Norton Park, 57 Albion Road

Edinburgh EH7 5QY

Tel: 0131 475 2348

Website [www.skill.org.uk](http://www.skill.org.uk)

## 7. Scottish Independent Advocacy Alliance (SIAA)

138 Slateford Road

Edinburgh EH14 1LR.

Tel: 0131 455 8183

[www.siaa.org.uk/directory.php](http://www.siaa.org.uk/directory.php)

## 8. Scottish Accessible Information Alliance

SAIF works to improve accessible information for disabled people by producing and promoting standards and guidelines.

**SAIF c/o SCC**

Royal Exchange House

100 Queen Street

Glasgow G1 3DN

E-mail: [info@saifscotland.org.uk](mailto:info@saifscotland.org.uk)

Phone: 0141 226 5261

Text: 0141 226 8459 Fax: 0141 221 0731

## 9. Scottish Association for Mental Health

Cumrae House

15 Carlton Court

Glasgow G5 9JP

t: **0141 568 7000**

[enquire@samh.org.uk](mailto:enquire@samh.org.uk) [www.samh.org](http://www.samh.org).