

Improving disability accessibility

Advice and information for the legal profession

July 2024

# Introduction

Businesses that make early intentional acts of inclusion will limit future acts of unintentional exclusion. They will limit the need for adjustments because they will have been built into inclusive processes and procedures from the start.

The advice and information for improving disability inclusion has been developed with a group of people currently working in the Scottish legal profession, including members who are disabled, and representatives from large and small firms who are invested in improving the experiences of disabled people working in their organisations. We are enormously grateful to the many disabled members, and to employers across the sector, who have given their time generously to help create advice and information to improve disability inclusion in the legal profession.

Embedding disability inclusion at the heart of business brings benefits to everyone. As Phil Spencer, the Head of Xbox, puts it: ‘The results of inclusive design for accessibility always leads to a better product for everyone.’

The advice and information is set out in sections as follows:

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# Section 1: The importance of developing a positive culture

We heard from members that developing an open culture was critically important to disability inclusion.

### Examples of inclusion that benefit everyone

The examples outlined below may be particularly helpful for some disabled or neurodivergent people, but will likely benefit everyone:

Good file hygiene. For example, having a clear sub-folder structure on complex matters and ensuring consistent naming of documents can be particularly useful for those with dyslexia.

Limiting meeting length and ensuring breaks between meetings may particularly benefit people with ADHD.

Imagine a client of yours is deaf and requests a video call. Tips like muting your mic when not speaking; ensuring the room is well-lit but that you don’t have direct light behind your head which would impede lip-reading; speaking in plain language and switching your camera on to allow lipreading/see facial gestures would benefit a deaf client.

Enabling the use of closed captions in video presentations will assist deaf people, but also make the presentation more accessible for others. For example, to watch in a noisy environment.

## Defining disability – social model versus medical model

How disability is viewed affects the way that people think about disability and how disabled people are treated. This will influence the culture in an organisation.

### The social model of disability

This model has been developed by disabled people and says that people are disabled by barriers in our society, not by their impairment or difference. This can mean physical barriers like buildings not having an accessible entrance, or can refer to people’s attitudes to disability, such as assuming disabled people can't do certain things or must act in a certain way. This identifies barriers in society as being disabling to people.

### The medical model of disability

This model focuses on the impairment a person has and identifies this as the barrier to disabled people being able to engage fully in our society. The disabled person is seen as the “problem” who needs to be “fixed” to allow them to participate fully in society. The medical model has been used in the past to influence development of legislation in this area.

Adopting the social model of disability within your workplace encourages a positive culture. This helps to identify where barriers exist affecting disabled people and therefore what needs to change to remove those barriers. This model is generally being adopted by many organisations and is endorsed by the UK Government’s Equalities Office.

Use a broad definition of disability, remembering that it will include some mental health conditions, visible and non-visible conditions, and fluctuating conditions. There are covered in more detail in other sections of this advice and information.

### Developing a positive culture

Building an inclusive culture takes time, commitment and doesn’t happen by accident. All the tips in this document will help organisations develop an inclusive culture.

### Leaders need to lead

Senior leadership sets the tone for the organisation. While developing an inclusive culture requires engagement from all colleagues, senior leaders need to be on board and able to openly demonstrate their support for developing inclusion.

In larger organisations, this might include having a senior leader responsible for over-seeing improvements in this area and reporting on this to others in the senior leadership.

In smaller organisations, being a leader who shares personal experiences and models an inclusive way of working will demonstrate a commitment to an inclusive culture.

Leaders who have disabilities could consider being open about them, as this will encourage others to adopt a similar outlook, but be wary of societal expectations placed on any under-represented or marginalised group to be a role model. Do not have this as your only way to tell stories and represent diversity.

### Policies

Have a clear policy on reasonable adjustments. Involve colleagues affected when drafting and amending your policies.

Equality Impact Assessments (“EIA”) can be a powerful tool in policy and process development. Consider using them to help develop processes even if you aren’t legally required to do them. If you would like more detailed advice about conducting EIAs these resources can be helpful: [Inclusive Employers- Equality Impact assessments a definitive guide](https://www.inclusiveemployers.co.uk/blog/equality-impact-assessments-a-definitive-guide/) The Equality and human Rights Commission also has information which is aimed at the public sector, [Assessing impact and the equality duty: an eight step guide](https://www.equalityhumanrights.com/guidance/public-sector-equality-duty/assessing-impact-and-public-sector-equality-duty-scotland-1?return-url=https%3A%2F%2Fwww.equalityhumanrights.com%2Fsearch%3Fkeys%3Dequality%2Bimpact%2Bassessment%26f%255B0%255D%3Dcontent_type%253Aguidance_article)

Review all policies to ensure that they are consistent with each other, and that accessibility is a core part of each one. For example, travel policies should have flexible options available to best suit the needs of individual colleagues, rather than setting strict requirements around the mode of travel, over-night accommodation etc.

Make requesting adjustments available to all your staff and colleagues, regardless of whether they have a disability or not. This helps to remove any stigma around requesting adjustments and will assist everyone in doing their jobs. This may be particularly important to those experiencing chronic or recurrent illnesses that might not be considered disabled. For example, endometriosis can be treated as a disability, but it isn’t always. Ensuring all colleagues can request adjustments would be a useful strategy to make workplaces more inclusive for all.

### Conversations

Ask all colleagues what they may need to support their working environment and make things easier for them (see point 4 above).

Make sure disabled colleagues affected are consulted when developing and changing policies and ensure their voice is taken into account.

Support managers to have sensitive discussions about disability and neurodivergence.

Celebrate disability and neurodivergence as part of your inclusion calendar. For example, International Day of Persons with Disabilities, World Autism Awareness Day, World Hearing Day etc. The particular dates your organisation selects should be guided by your workforce and client-base.

In the event that problems emerge, and ableism, bias and other issues are identified, ensure that these are dealt with fairly, quickly and robustly. ACAS has [guidance on tackling bullying and discrimination](https://www.acas.org.uk/discrimination-and-bullying) which you may find helpful.

###  Training

Ensure that everyone undertaking training has the time to do so and consider making it mandatory.

If colleagues want to lead training sessions, learning from lived experience is extremely powerful. However, do not require disabled colleagues to lead sessions – it should be their choice.

Many charities can offer information and training in specific disabilities instead, so consider bringing in external organisations

People managers should receive training on supporting disabled colleagues ideally before they begin managing people for the first time. This should be regularly updated to take account of changes and developments.

# Section 2: Disability inclusive recruitment

Inclusion and accessibility should start well before a disabled person joins your team.

### Before application stage

If possible, ensure those who are involved in recruitment and selection are appropriately trained to ensure they can best assist disabled and neurodivergent people during recruitment processes.

Ensure that your website, or any other job site you use, is accessible. You can find resources to help achieve this in [Section 10](#_Website_accessibility)

Make sure that the advert itself is accessible and clear, including ensuring the job requirements are tailored and specific instead of including generic wording, such as ‘good team worker’, ‘excellent communication skills’ etc.

Remove jargon wherever possible.

If using competency frameworks, ensure that these are tailored to individual roles.

### Application stage

Make it clear that you are an inclusive employer. You can do this by:

* + Outlining on your website and in application forms that you specifically welcome applications from disabled and neurodivergent candidates.
	+ Publicly outlining your approach to disability inclusion.
	+ Highlighting role models from your organisation on your website.

Role requirements and person specifications should be necessary for the role and should be considered carefully. For example, including the need to have a driving licence excludes those who cannot drive due to an impairment.

Ensuring your processes and firms are accessible. Ask disabled colleagues – or involve disability charities – about this. Are there parts of your process inadvertently putting people off?

Making space in applications for candidates to outline any reasonable adjustment requests (if they wish to). Discuss with candidates how best to support them in advance of the interview. Don’t make assumptions on what adjustments are needed.

Collect diversity data and take the time to review the data regularly to establish if there are any barriers in your recruitment process to disabled candidates.

### Interview stage

Proactively offer communication support and make it clear support workers can attend an interview.

If you can adapt selection exercises, then be open with prospective candidates that these can be adapted. Before that, carefully consider why you are using a particular method and the potential impact of doing so.

Providing interview questions in advance can be beneficial to some neurodivergent people. You could consider providing interview questions to all candidates in advance, as this will assist them all to perform the best they can.

Ensure that interviews can be done in-person or remotely.

Ensure the interview room is accessible and set up appropriately.

If you use an assessment centre, ensure that adjustments are offered and made available. For some neurodivergent people, assessments in assessment centres without regular breaks and quiet areas can be very difficult to manage, so consider whether you can gain the same insight of all candidates in a different setting that may be more comfortable for e.g. neurodivergent people.

### After interview

Give high-quality feedback to unsuccessful applicants.

Consider the data: are disabled candidates as likely as non-disabled candidates to be interviewed? Are they as likely to be successful? If not, consider why and look to improve processes.

# Section 3: Role models and lived experience

Role models and highlighting lived experience can be incredibly powerful, especially to those considering applying to your firm.

### Do

Feature role models and profiles of disabled colleagues in communications.

Facilitate the above by creating a guide for colleagues on how to do this well.

### Remember

Colleagues may not be comfortable publicly discussing a disability (particularly if it is a hidden disability). Support them throughout the process and note that they can request any information to be removed from communications at any time.

Review content from time to time.

### Don’t

Assume people want to be a role model. This can be additional work to busy professionals. It is a choice.

Assume that you have continued consent to share information.

Overburden a small number of staff. Getting the balance right is important.

Forget intersectionality. This refers to the multiple facets of our identity and how they intertwine to create patterns of privilege or discrimination.

# Section 4: Engaging colleagues, champions and allies

Everyone within an organisation contributes to its culture, so it is vital to engage colleagues in decisions to help underpin cultural change.

### Employee disability networks

Engaging colleagues in employee disability networks can be very helpful in creating an inclusive culture. Engaging colleagues from all levels of your workforce is important. These networks typically are only possible in medium to large organisations, simply due to scale.

An effective network is one that is structured, organised and works to assist the delivery of your overall equality and/or disability-related objectives.

Consider the following:

Who will sponsor the network? Ideally, this should be someone in the senior management team. In smaller organisations, this role can be taken by the owner of the business.

Who will lead the network and what will their role be i.e. what do you want/expect them to do?

Make sure networks understand what their objectives are and have a clear remit on what they are there to do (and review this).

Make sure that colleagues who take part are released from their day job to do so. Encourage and support people joining/attending.

Don’t assume that all people with disabilities or long-term conditions in your organisation will be, or want to be, active members of any network you develop.

Continue to communicate with all colleagues on disability-related issues and don’t rely solely on the group or network-base. This [free toolkit to help SMEs become disability smart](https://businessdisabilityforum.org.uk/news-opinion/our-free-toolkit-to-help-smes-become-disability-smart/) may be helpful.

Consider having groups, champions or allies focusing on areas that are not necessarily disabilities but do have an impact on people. For example, menopause or menstrual health.

Train colleagues to act as Mental Health First Aiders in the same way you may have trained people to provide physical first aid.

Encourage and train champions and allies within your organisation. They can then assist by offering additional training and support to colleagues who require it.

Having ‘passports’ for disabled colleagues, setting out any adjustments agreed with them, is helpful for colleagues moving between different departments. Make sure that these are reviewed with the colleague regularly and that they know who will have access to it. Passports could be made available for everyone in your organisation, whether they are disabled or not, or any colleagues who will be moving around different departments, for example trainees. The TUC has [published advice](https://www.tuc.org.uk/adjustment-passport) about adjustment passports and have a template you can use.

# Section 5: Reasonable adjustments

An important focus of disability inclusion is reasonable adjustments. A good starting point is to ask: ‘how can we design processes, policies and procedures to make sure everyone can thrive at work?’

This inclusive mindset will likely end up with better services, happier employees and happier clients.

The duty under the Equality Act 2010 is to be proactive and anticipatory. Reasonable adjustments are aimed at removing barriers and putting disabled people on a level playing field with non-disabled people in an organisation.

The legal duty under the Equality Act 2010 is to make adjustments in three circumstances:

Where there is a provision, criterion or practice that puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison to a non-disabled person.

Where a physical feature puts a disabled person at a substantial disadvantage in comparison with a non-disabled person.

Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in comparison with a non-disabled person.

### What do we mean by ‘reasonable’?

This depends on each individual situation and considers the disabled employee’s and the employer’s circumstances. Factors taken into account include:

Will it remove or reduce the disadvantage? Speak to the person who requires the adjustment.

Is it practical to make?

Is it affordable for the organisation or employer?

Will it impact on the health and safety of others?

For example, while changing a job’s responsibilities or how they are preformed can be a reasonable adjustment, changing the basic nature of the job, such as a telephonist being excused from answering telephone calls, would likely not be reasonable.

### Requesting reasonable adjustments

* Make information about how to request reasonable adjustments clear to everyone in your organisation. Ensure that people requesting adjustments know who to contact to make their request. As there is no specific format set out in legislation for making requests, include what format that the request should be made in. For example, whether it has to be made in writing. This will help to avoid miscommunication and requests being over-looked.
* Allowing all colleagues, whether they have a disability or not, to request adjustments can be helpful. This can remove the stigma of requiring adjustments and can improve experiences of all. For example, agreeing non-standard working hours could help colleagues for many different reasons.

### Handling requests for reasonable adjustments

Ensure that any people managers are trained in this area and are clear on what their responsibilities are and where they can go for help and advice if needed.

Both the employee and the employer can suggest what are reasonable adjustments. However, it is advisable to take the lead from the person asking for the adjustment, as they have a better understanding of what can help them.

It is advisable to meet with the person requesting the adjustment. Many adjustments are simple and can be agreed in a meeting.

Follow-up to a meeting should include recording any agreed adjustments in writing and ensuring that people who need to know are aware of these.

You are not bound to either accept or reject a requested adjustment as set out in the request. You can explore other options with the employee to ensure that they are supported in doing their job. This can include getting an occupational health assessment or information from the employee’s doctor.

Be flexible and open-minded on what can be adjusted to support your colleagues. For example, think about options outside of the physical workplace, such as agreeing a later start time to avoid heavy traffic and busy public transport.

Each request for reasonable adjustments should be considered separately and take into account the disabled colleague’s individual circumstances. Remember that what helps one person may not be helpful to another person with the same disability.

Understand the technology already used in your office. Many applications have features that improve accessibility at no additional cost. For example, Microsoft has a wide range of accessibility features available in both Office 365 and Windows. You can find out more about what is available here: [Accessibility Technology & Tools | Microsoft Accessibility](https://www.microsoft.com/en-gb/accessibility)

Review agreed adjustments regularly with the employee. Don’t assume that their requirements remain the same or that the adjustments agreed will continue to be the best available.

# Section 6: Using the right language

Different disabled people will prefer different forms of language. For instance, some people prefer ‘disabled person,’ others prefer ‘person with disabilities’, whilst others prefer to note their specific condition, for example ‘I have dyslexia’.

Disabled is a description not a group of people.

The possibility of getting something wrong, or offending a colleague, can lead to managers not having important conversations.

### Do

Speak to your colleagues and discover their preferences.

Mirroring the language your disabled colleagues use themselves can be helpful.

Be positive! Avoid phrases like ‘suffers from’.

Understand that some people may not identify as disabled (e.g. some deaf people; some neurodivergent people).

### Don’t

Assume that just because one employee wants one thing that all employees do.

Think that one conversation will fix everything and that nothing more needs to be done. Continue to engage with colleagues on language, as what is considered best practice will change over time.

# Section 7: Changing how we write

As legal professionals, what we write is important. There are lots of things we can do to make our writing more inclusive.

Things like typography, sentence structure, font size, line length and word choice can impact the experience of readers including for example: visually impaired people, dyslexic people and even those with limited literacy skills.

### Quick wins

Write in short sentences. It makes content easier to read.

Keep paragraphs short and in a similar length.

Use a clear ‘sans serif’ font like Calibri.

Use size 12, 14 or 16 size text.

Use an active voice.

Use plain English. The average reading age in the UK is nine years old.

Increase the number of sub-headings.

Ensure white space throughout documents e.g. through sentence and paragraph spacing.

Avoid italics and all caps if possible.

Left-align body text.

Lay out numbers numerically and in words (e.g. 6 and six).

Limit the use of tables and column.

Use graphics and colours sparingly.

Don’t underline words unless there is a clickable hyperlink.

Use bullet points to break up text.

# Section 8: Non-visible disabilities

Non-visible disabilities cover many types of disabilities or impairments that are not visible. Some examples are:

mental health conditions, including anxiety, depression, schizophrenia, personality disorders, obsessive compulsive disorder

autism and Asperger’s syndrome

visual impairments or restricted vision

hearing loss

sensory and processing difficulties

cognitive impairment, including dementia, traumatic brain injury, or learning disabilities

non-visible health conditions, including diabetes, chronic pain or fatigue, respiratory conditions, and incontinence.

As non-visible disabilities are not obvious, it can be difficult for people to access the support they require and they may face stigma when they do. It is important to ensure that non-visible disabilities are included in your training, in any policies such as your reasonable adjustments policy, and that your managers are aware more generally of non-visible disabilities.

Most important is to foster a culture where people can feel comfortable disclosing their non-visible disabilities to ensure that they can be supported.

Some people may choose to use a sunflower lanyard ([a symbol for non-visible disabilities (hdsunflower.com)](https://hdsunflower.com/uk/)) or similar to inform others that they have a non-visible disability.

# Section 9: Fluctuating or recurring conditions

Fluctuating and recurring conditions are not specific ‘conditions’. Instead, they are features of some health conditions and disabilities.

### What do we mean?

A fluctuating condition is always present, but may vary in severity, in frequency of flare-ups and, in some conditions, in symptoms. Examples include asthma, arthritis, and psoriasis.

A recurring condition can be absent for long periods of time but can return periodically. For example, a person may experience episodes of depression throughout their life with long periods between episodes where they are not taking medication or require any adjustments.

### Supporting colleagues with fluctuating or recurring conditions

For most of the time, many members with such conditions manage their conditions with little impact on their ability to work.

However, sometimes these conditions ‘flare up’ and members may need new or reoccurring occasional adjustments.

The unpredictability of these conditions mean support is vital and having a plan of what may be required in these circumstances can be helpful to put into action quickly.

### Quick overview

Early action may prevent severe flare-ups and allow colleagues to remain at work.

Planning for flare-ups and factoring this into adjustments will help.

‘Just in case’ adjustments are helpful.

Sometimes flare-ups can happen without warning so keeping agreed adjustments in place – or easily available - can help.

Be flexible and open to try different adjustments and practices. Revisit the discussions frequently to see what works.

### Fluctuating or recurring conditions – suggested adjustments

Flexible working – location, hours, breaks, start and finish time

Adjusting work tasks

Reducing business travel to reduce fatigue

Reviewing

Have a system of ‘red days’ (for flare ups) and ‘green days’. Your colleague can then indicate to you quickly and easily when adjustments that aren’t always needed need to fall into place.

# Section 10: Resources and sources of support

### Disability inclusion at work

[ACAS: Disability at work](https://www.acas.org.uk/disability-at-work)

[Access to work](https://www.gov.uk/access-to-work)

[Guide for line managers: Recruiting, managing, and developing people with a disability or health condition - GOV.UK (www.gov.uk)](file:///C%3A%5CUsers%5Ckmclellan%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CBI0PKVRQ%5CGuide%20for%20line%20managers%3A%20Recruiting%2C%20managing%2C%20and%20developing%20people%20with%20a%20disability%20or%20health%20condition%20-%20GOV.UK%20%28www.gov.uk%29%C2%A0)

[Disability Essentials - Business Disability Forum](https://businessdisabilityforum.org.uk/knowledge-hub/resources/disability-essentials/)

### Inclusive writing and design

[Hemingway App](http://hemingwayapp.com/)

[Home Office Accessibility Posters](https://ukhomeoffice.github.io/accessibility-posters/posters/accessibility-posters.pdf)

[Microsoft Inclusive Design Kit](http://microsoft.com/design/inclusive)

[Inclusive language: words to use and avoid when writing about disability - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/inclusive-communication/inclusive-language-words-to-use-and-avoid-when-writing-about-disability)

### Reasonable adjustments

[EHRC: Employing people: workplace adjustments](https://www.equalityhumanrights.com/guidance/business/employing-people-workplace-adjustments)

[Law Society of Scotland – Reasonable Adjustments Policy](https://www.lawscot.org.uk/media/375037/reasonable-adjustments-policy-july-2023.docx)

### Research

[The Law Society of Scotland: Profile of the Profession](https://www.lawscot.org.uk/media/375511/the-law-society-of-scotland-profile-of-the-profession-survey-2023.pdf)

[The Law Society of England and Wales: Legally Disabled?](https://www.lawsociety.org.uk/topics/disabled-solicitors/legally-disabled-two-years-on)

### Website accessibility

[The A11Y Project Resources](http://a11yproject.com/resources)

[Accessibility Insights auditing tool](http://accessibilityinsights.io/)

[Brandwood tool](http://brandwood.com/a11y) - a guide to colour accessibility of websites

[Web Content Accessibility Guidelines](https://www.w3.org/TR/WCAG21/)

SkyScanner has made its [accessibility resources free to use for other organisations](https://www.skyscanner.net/about-us/accessibility)

If you have any comments, or feedback on the information contained in this advice and information please contact Elaine MacGlone, Education, Training and Qualifications at elainemacglone@lawscot.org.uk