

# Promoting disability inclusion in law firms - setting out good practice

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## Executive summary

### Introduction

Today, three percent of solicitors declare they have a disability, a figure virtually unchanged in the last ten years. This compares to thirteen percent of the [workforce in the UK](https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-75401) [\[https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-75401\]](https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-75401) and, using the Equality Act (2010) definition, an estimated [nineteen percent](https://fullfact.org/health/how-many-people-have-disability/) [\[https://fullfact.org/health/how-many-people-have-disability/\]](https://fullfact.org/health/how-many-people-have-disability/) of the working age population is disabled.

This suggests many disabled solicitors are not declaring their disability, so are potentially missing out on support and adjustments which could and should be available to them – a situation which potentially has a detrimental effect on the individual, the firms they work for and ultimately the clients they serve.

We wanted to find out more about what lies behind this apparent under-declaration and more importantly, using good practice examples, highlight what firms could do to address this issue for the benefit of all involved.

This work sets out disability inclusive measures that law firms can put in place for employees, clients and others they deal with in the course of their work.

### What we did

Our work included:

- A survey of 421 law firms about their policies and practices on disability inclusion.
- Engagement with disability experts, disabled solicitors and law firms.

### Key findings

There is no one factor or action that creates a positive and inclusive environment. We found some firms are beginning to do more to promote disability - however, most had not adopted a holistic or rounded approach. Some firms while excelling in one area, for example support



from senior leaders or engaged staff networks, were not necessarily doing this across the board.

One of our most startling findings was around the uncertainty about providing workplace adjustments. How should these be approached? Did they need to be reviewed? What happens when adjustments change?

There was also uneasiness for some people about requesting adjustments and having discussions about them. For firms there was little understanding about the changing nature of them. Those who had positive experiences had worked in firms where workplace adjustments were discussed early on.

We found that for some disabled solicitors, they felt their disability 'lowered the bar' and was perceived as reducing the standard of competence. We need to change this perception and the behaviours which perpetuate this. To this end, we found that where leaders promote disability inclusion not only do individuals thrive, but firms do too.

Monitoring and evaluation is important in creating an inclusive culture as it allows firms to measure progress. Few firms looked at their data on disability to identify actions they could take to encourage a diversity of applicants to apply.

We found an emphasis on mental health and wellbeing and whilst we highly praise the work being done in this area, we encourage firms to put similar commitment into other areas of disability.

## **Sharing good practice**

We know a more diverse workforce supports a greater diversity of thinking and makes businesses more innovative and higher performing. This report shares information that can help law firms make better decisions.

We have split areas of good practice into seven key areas (below) and within each presented:

- Key points
- Top tips
- Further explanation
- Case studies

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## **Leadership and culture**

### **Key points**



- A firm-wide disability inclusive culture lends itself to a positive working environment for disabled employees.
- Solicitors felt it was important that senior leaders talked about disability inclusion and were open to having discussions and conversations.
- It is important for managers to "walk the walk". An example often cited was that managers should also work flexibly if this was an option provided to their colleagues.
- Most senior leaders stated they had an "open-door" policy where conversations on workplace adjustments could be made.

### Top tips

- Promoting values and behaviours that specifically address and mention disability equality.
- Senior leaders to demonstrate support and leadership by attending training and events.
- Managers to initiate conversations on workplace adjustments.
- Include disability actions and targets in actions plans and strategies.
- Support/sponsor disability staff networks and make sure they feed into management meetings.
- Have a flexible, open-minded approach to managing employees and working. This can be as simple as flexible start and finish times with the aim of removing stigma attached to staff leaving work early or starting later or working from a different location.
- Management meetings to include specific discussion about improving disability inclusion – a good starting point is considering firm diversity data on disability.
- Staff surveys to include specific questions on disability.

Leadership in an organisation can set the right tone and create a culture in which individuals can thrive, feel valued and produce their best work. Our engagement demonstrated that firms that had support and 'buy in' from senior leaders were more successful in achieving a disability inclusive culture. Firms also told us that where senior leaders were visible, for example at events or were seen to be adopting a flexible working approach, there was much more engagement and discussion about disability across the firm by all staff.

Firms where senior leaders chaired Equality and Diversity committees were more proactive in supporting initiatives on disability inclusion. However, although there was a willingness to support and provide leadership on disability inclusion, there seemed to be a lack of clear direction or policies, made more difficult by there not being specific actions or targets for disability.

One firm's network committee worked with HR staff to set specific targets on disability, including increasing the number of staff declaring a disability.



Some disabled individuals felt there was a mini sub-culture in firms and a lot depended on the goodwill and personal interests of managers and HR. For example, some managers created inclusive environments and had open conversations with their staff. These managers tended to be open about disability and the support that was required. The issue this raises is that this leaves disabled staff feeling vulnerable if their managers are not responsive to their needs, leave the organisation or are moved to a different team.

Some firms talked about using the results of their staff surveys to guide them about how well they are doing on equality, diversity and inclusion. These staff surveys did not ask any specific questions around disability or reasonable adjustments.

### **Case study 1**

I have been very lucky. I needed the IT system I used to be accessible so that I could use it. I needed access to do my work. I spoke to my manager and within hours they had put me in touch with the right people so I could talk through my access needs.

### **Case study 2**

Senior leaders at Eversheds Sutherland are sponsors of the Diversity & Inclusion programme. Managing Partner Keith Froud is the Executive Sponsor for Wellbeing and Ability. They launched their vision and programme of work on disability, mental health and wellbeing in May 2018. In December 2019, for International Day of Persons with Disabilities, partners and colleagues from around the world featured in social media posts about the work they are doing on disability inclusion.

Eversheds Sutherland is a Disability Confident Employer and has begun working to achieve Disability Confident Leader status and have also signed up to the Valuable 500 initiative.

## **Monitoring and evaluation**

### **Key points**

- Very few firms recorded or monitored workplace adjustments or adjustments provided to clients. There were few firms that had specific actions on promoting disability equality and this was also true for recruitment and progression.
- Firms did not have processes in place to collect information about workplace adjustments requests.



## Top tips

- Firms should provide clear information about why diversity demographic information is collected.
- To assess and monitor disability diversity effectively, firms can monitor and review data throughout the recruitment pipeline.
- Senior management teams consider the disability data collected for the SRA to develop and discuss progress on disability equality.
- Firms to record and monitor workplace adjustment requests.

Monitoring and evaluation of workforce diversity data allow a firm to track progress and develop evidence-based policies and initiatives. It helps to identify if an organisation has been successful in achieving its aims. It is also helpful to monitor reasonable adjustments requested or provided to clients to identify if such adjustments are being provided appropriately or whether there is more to be done to promote inclusive practices.

All of the firms we spoke to collected and reported their diversity data to the SRA as part of the biennial workforce diversity data collection exercise. However, few firms considered the data and implemented evidence-based actions for disability.

There was a mixture of views about diversity monitoring in general and some firms discussed the challenges they experience around capturing diversity data, such as the resistance from some staff to provide this information. One firm told us "We can't force staff to provide us with their diversity information".

A low rate of disclosure can be indicative of the culture of an organisation. One way to overcome such a challenge is to be open and clear about why you are collecting this information, what you intend to do with it and who will have access to it. A good communication campaign and engagement and support from staff disability networks both internally and externally can increase the number of people that will disclose their disability.

One firm we spoke to said, "We don't think it is important to collect this information – it doesn't matter to us who or what are staff are". This may be challenging for staff who may feel they are not able to open up about needing a workplace adjustment. Monitoring disability data can also be helpful when identifying potential bias and prejudice.

Some disabled solicitors said they feared disclosing their disability because of the impact this would have on their careers and the negative perceptions they felt would subsequently be held about them. Monitoring can therefore be a good starting point for changing cultures and creating inclusive environments.

We found that whilst HR recorded reasonable adjustments for specific individuals – this was not monitored to improve or assess the process across the organisation.

### **Case study 1**

Markel Law use their firm diversity data to monitor the profile of staff. They used their information to assess how well they are progressing on equality, diversity and inclusion and found they have more than 3% of disabled solicitors in the workforce as well as good representation across other protected characteristics. The firm has used this data to think about ways to promote diversity, setting up an Equality and Diversity Committee chaired by one of their senior managers to consider bespoke training on several areas of disability. The firm published their diversity data in line with SRA requirements and make this openly available to clients.

### **Case study 2**

BBH Legal record and monitor workplace adjustments. They track the type of adjustment requested and the support provided. This enables them to review the type and nature of adjustments and plan accordingly.

## **Reasonable adjustments**

All the firms we engaged with mentioned they provided workplace adjustments for their employees and adjustments for their clients. However, whilst most said they spoke to their employees and clients about the types of adjustments that were requested and provided, these were rarely recorded or monitored. Very few firms recorded workplace adjustments at the recruitment stage.

Providing workplace adjustments for employees is a legal requirement and failure to make them could amount to disability discrimination. We understand and acknowledge the complexities of communicating with employees and clients about adjustments and explain in this section how firms can take the initiative to provide support to those they work with and those they provide services for.

We found that when firms talked about workplace adjustments, for example during the recruitment process, it was helpful and effective. When this happened, candidates did not have to worry about broaching the subject or having to decide whether they should disclose a disability. We heard from potential applicants concerned about whether they should disclose their disability at the application stage, or at the offer stage or perhaps once they had received an offer and 'got a foot in the door'. At an [Aspiring Solicitors](https://www.aspiringsolicitors.co.uk/) [https://www.aspiringsolicitors.co.uk/] event for



disabled students looking to secure training and jobs, some of the questions that were asked included:

- How will I know if a firm is disability inclusive?
- Do firms have to provide reasonable adjustments?
- It is very difficult to know when or if I should disclose my disability.

These questions highlight the dilemma disabled candidates face in having to think twice about the firm they apply to. Some decide not to mention they have a disability for fear they may be seen as 'not being able to cope' or 'not good enough'. A disabled trainee said:

The very pressing question I have is why do a high percentage of applicants not disclose their (unseen) disabilities?

Foster and Hirst (2020) in their recently published report *Legally Disabled? The career experiences of disabled people working in the legal profession* talked about the fact that very few disabled lawyers were confident about disclosing their disability when applying for jobs. Disabled people were often not receiving workplace adjustments in law firms because they feared the potential consequences of disclosing their disability. This fear was justified as Foster and Hirst (2020) demonstrate that of those who did, around half of disabled solicitors had experienced ill-treatment, ignorance or discrimination, "[including ridiculing language, exclusion or victimisation \[http://legallydisabled.com/research-reports/\]](http://legallydisabled.com/research-reports/)" (Page 15). "[And 80% of all groups \(including solicitors and paralegals\) had been on the receiving end of poor attitudes or a lack of understanding about their impairment or health condition \[http://legallydisabled.com/research-reports/\]](http://legallydisabled.com/research-reports/)" (Page 15 and 16). The impact of this was that the stress exacerbated existing illness or led to new illnesses and even to some solicitors ending their career in law.

Anecdotal evidence suggests disabled solicitors leave the profession in disproportionately high numbers. Assumptions are made about disabled people, which may translate into barriers to entry and barriers to promotion and progression. Some disabled solicitors say that the dominant culture of a law firm such as long hours and presenteeism often overrides decisions to provide flexibility in working patterns or types of work.

Communicating with new recruits and staff about workplace adjustments - and not leaving this up to the individual - can help enormously by lessening the pressure and anxiety staff may feel in having to explain their disability.

Firms can work with recruitment agencies to set out criteria for encouraging a diversity of applicants to apply and can insist that there is diversity in the candidates put forward. Where psychometric tests are used, we ask these are reviewed to make sure they are disability inclusive.





Some firms mentioned the Government's [Access to Work](https://www.gov.uk/access-to-work) [\[https://www.gov.uk/access-to-work\]](https://www.gov.uk/access-to-work) scheme. This may assist with grants, for example, if the support required has financial costs attached to it.

One firm we spoke to said: The Access to Work scheme has been brilliant! I had no idea this support was available until I started looking at making adjustments for an employee. It has really helped us, and I wish other firms knew about this. Another mentioned that "we address any disability issues raised with us, consider reasonable adjustments where necessary and involve Access to Work where necessary".

Firms told us that it was important for managers to have the confidence to talk about adjustments with staff and clients. One firm said that "their staff have direct access to the partners. The partners support all necessary adjustments as may be needed to facilitate the staffs (sic) reasonable needs". However, there is sometimes a misunderstanding about disabilities and what support may be required. We spoke to several disabled solicitors who told us that law firms should train staff who lead, manage and supervise teams about workplace adjustments. They should explain what these may look like, the firm's policy and talk about how to engage with staff about their needs and the support they may require.

Many firms and their staff are not aware of the range of adjustments and equipment available to them, because they rarely use experienced providers like [Access to Work](http://legallydisabled.com/research-reports/) [\[http://legallydisabled.com/research-reports/\]](http://legallydisabled.com/research-reports/). Disabled graduates sometimes contacted civil society organisations about [discrimination and access to work issues](https://journals.sagepub.com/doi/abs/10.1177/0143831X18799899) [\[https://journals.sagepub.com/doi/abs/10.1177/0143831X18799899\]](https://journals.sagepub.com/doi/abs/10.1177/0143831X18799899). In other sectors, unions also help workers to receive the treatment they are entitled to. The Legal Sector Workers United union is open to practising solicitors, which formed in 2019. The Law Society is the more-established representative body. This has a [division for disabled lawyers](https://www.lawsociety.org.uk/topics/disabled-solicitors/) [\[https://www.lawsociety.org.uk/topics/disabled-solicitors/\]](https://www.lawsociety.org.uk/topics/disabled-solicitors/) which supports people to access the profession and lobbies for legislation to protect members' rights.

We found that workplace adjustments are often used synonymously with flexible or agile working arrangements. Being able to work flexibly can be advantageous and disabled solicitors who had flexible working arrangements felt they had the autonomy to do their job well. Flexibility is key; however, this should not be used at the expense of providing workplace adjustments. Flexible working is also sometimes seen as a choice and a 'nice to have' rather than an essential workplace adjustment. We found some firms felt it was easier to provide employees with adaptations and aids and less comfortable when looking at changes in work patterns or discussing the support their staff may need to do their job well – all of which constitute workplace adjustments.

## Case study 1





One firm (Bolt Burdon Kemp) have avoided a focus on presenteeism and instead support employees to work flexibly. Staff are permitted to work at a location that suits them. They are also able to be flexible with the hours they work. Bolt Burdon Kemp mentioned that in this way they have been able to support all colleagues whatever their needs. The firm recognises this policy has benefits for all staff including working parents, carers and those trying to create a good work life balance more generally.

An open, supportive, workplace environment lends itself to staff talking about the support they may need without fear of being judged. In some firms, where workplace adjustments were provided this was not discussed or reviewed by their direct managers. It was 'assumed' that adjustments had been put in place and that it was the responsibility of the individual to negotiate their adjustment or renegotiate changes. We were told that in some cases receiving a workplace adjustment fostered ill will between other colleagues if they perceived favourable treatment.

We found firms that were open about providing workplace adjustments had systems in place to talk through needs. Some firms said that when direct managers had a good relationship and regular conversations with their staff, this provided an opportunity to talk through any changes they required and if current workplace adjustments were meeting their needs, particularly if they had fluctuating conditions. It is a common misconception that once a workplace adjustment has been provided it does not change.

We found firms that provided training, wrote blogs and held events and workshops to raise awareness of disability endorsed a culture where it was the 'norm' to request and be given workplace adjustments.

Some firms were proactive in providing reasonable adjustments to clients. This was most often the case where the business of the firm focused on work linked to disability, such as personal injury or palliative care. In these firms the reasonable adjustments provided to clients included home visits, travel to see a client living abroad and adjustments to office meeting rooms. These firms provided training on how to engage with clients requiring reasonable adjustments. Some firms explicitly supported charities for disabled people such as MENCAP and Headway Brain Injury. In these firms their charitable work supported the ethos of the organisation, which contributed to better awareness of disability with employees and with clients.

We remind firms of their legal obligations in providing reasonable adjustments to clients. The following case studies shows how firms can proactively support disabled clients in accessing and receiving the legal services they need as well as



## Case study 2

The [Sensory Advice Resource Centre](http://www.sarc-bid.org.uk/) [http://www.sarc-bid.org.uk/] in Milton Keynes received an email from a solicitor asking for advice on how to communicate with a deaf British Sign Language speaking client who had asked the firm to represent them. A response, which provided the contact details for local and national interpreters was provided as well as information about [NRCPD](https://www.nrcpd.org.uk/) [https://www.nrcpd.org.uk/], a register of professionals working with Deaf and Deafblind people on working with interpreters. The firm replied with thanks and an advert for an interpreter was posted within days.

## Case study 3

A deaf 90 year old man who uses British Sign Language and has a good level of written English wanted to change his Will. He saw a solicitor and responded to the questions that were asked. Once he began to receive legal letters and documents, he found it more difficult to understand them. A local charity wrote to the solicitor asking them to provide an interpreter for his next appointment. They refused and said he must provide his own interpreter because he had chosen to take his business to them.

## Case study 4

Markel Law, part of the Markel Corporation, a fortune 500 company, put in place workplace adjustments for colleagues with dyslexia. They identified an IT programme which could detect written errors in letters and other written communication with clients. Clients were made aware of the adjustment as some minor errors were not picked up by the software. In addition, time was put aside for other colleagues to proofread work and where proofreading was in place, this time was not recorded as 'billable'.

## Recruitment, retention and progression

### Key points

- Provide specific and bespoke training to staff – particularly those on recruitment panels, HR personnel and managers
- Work with recruitment agencies to ensure that disabled people are not dismissed from the outset.
- Review your data on recruitment, progression and retention to set specific actions to improve



- Engage with staff disability networks to address concerns and to talk openly about becoming an inclusive employer.
- Think about specific career development opportunities for disabled people and consider positive action measures.

## **Top tips**

- Monitor your data on a regular basis.
- Make a commitment to wanting to be an inclusive employer and improve your data on recruitment, retention and progression.
- Set out and communicate specific measures and actions to improve the disability profile of the firm in your strategy and action plan.
- Engage with organisations such as Aspiring Solicitors, an organisation that is committed to increasing diversity across all underrepresented groups in the profession.

Entry into the profession can be challenging if barriers such as bias in the recruitment process continue to persist. Some disabled candidates are pessimistic about their chances of success because of a lack of contacts in and knowledge of the profession. We found few firms looked at their data on disability to identify actions they could take to encourage a diversity of applicants to apply. So, what can firms do to reduce the substantial underrepresentation of disabled solicitors? An issue is that some law firms present as disability inclusive. They have policies and procedures in place and offer flexible working opportunities but little understanding of the disability profile of their firm. Monitoring and reviewing the diversity profile of the firm can help with this.

In our survey, we found 86 percent of firms that responded to our questionnaire had a policy or statement setting out their approach to equality, diversity and inclusion. 21 percent had set out actions to support or improve disability inclusion.

We found that where there was senior buy in and a conscious effort to improve the disability profile of the workforce, action was taken encourage better representation. Several law firms had signed up to the [Valuable 500](https://www.thevaluable500.com/) [https://www.thevaluable500.com/], an initiative aimed at putting disability on the business leadership agenda. Others have looked closely at how they recruit, for example working with several recruitment agencies instead of one or looking at their website to see where they can improve accessibility and have better visual representation.

Some firms provided opportunities for people to work across several work streams. This enabled better possibilities for promotion and training. And where firms focused on ability, rather than disability, this allowed for better outcomes for teams and the firm.

Several firms cited their 'open door policy' and that employees could come and chat through concerns or potential workplace adjustments



they needed.

## Case study 1

Myers & Co Solicitors had a designated senior leader who provided support and information on disability, mental health and wellbeing. Staff were encouraged to speak about and request workplace adjustments. The firm promoted an open-door culture to encourage open communication, feedback, and discussion about workplace concerns. This also meant decisions on workplace adjustments were made promptly.

Some firms mentioned they had career development initiatives in place. One firm mentioned their "career development programmes are open to all, regardless of any disability". From our survey, some firms spoke about how coaching helped to build confidence and encourage staff to participate in career development programmes. In our engagement we found that workplace development programmes for disabled solicitors were rare compared to initiatives related to other protected characteristics.

We found that where law firms had systems in place to support and communicate with staff about workplace adjustments and such systems were embedded into the culture of the firm, disabled staff felt they had access to more promotional opportunities. Positive workplace cultures directly impact on whether an individual believes they can progress.

In firms where disabled solicitors were not limited to office-based roles and/or had limited opportunities to engage with clients, there were more opportunities to gain a wider set of skills and experiences.

## Case study 2

Reed Smith have made a conscious effort to open up pathways into recruitment by working with several different partners, such as [My Plus Consulting](https://www.myplusconsulting.com/) [https://www.myplusconsulting.com/] and Employability. They are interested in recruiting disabled solicitors and work with [Aspiring Solicitors](https://www.aspiringsolicitors.co.uk/) [https://www.aspiringsolicitors.co.uk/] and the [Lawyers with Disability Division](https://www.lawsociety.org.uk/topics/disabled-solicitors/) [https://www.lawsociety.org.uk/topics/disabled-solicitors/], a Law Society group, to encourage disabled graduates to apply for roles. Reed Smith also host and hold events on access into the profession.

Reed Smith partners and associates speak at seminars and workshops on disability in an effort to build networks and raise awareness of Reed Smith as an inclusive employer.



Cognitive aptitude tests in the Reed Smith graduate recruitment process have been abolished. Reed Smith have adopted an un-timed, behavioural strengths assessment as it was felt that traditional (timed) psychometric tests could discriminate against disabled applicants. For example, they can prove to be an unjustified barrier for talented applicants due to the heightened anxiety associated with timed testing, particularly for some applicants with dyslexia or Asperger's. That said, Reed Smith review applications on a case by case basis to ensure that all needs are met.

## **Role models and networks**

### **Key points**

- A disability network can provide support to individuals and firms wishing to engage with disabled people.
- There are few disabled role models in senior leadership positions.
- Role models can provide encouragement and support to other disabled staff and can be external to the firm.
- Networks are key to providing support for individuals and allows the exchange and flow of information and advice between employees and firms.

### **Top tips**

- Establish an internal disability network or make links to external networks.
- Engage with networks to understand the barriers that exist for disabled people.
- Engage with senior leaders to become allies.
- Use role models outside of the firm to talk about and share experiences. This can be done in a variety of ways such as through articles, blogs and videos.
- Use role models and networks to create a more disability inclusive network.
- Provide Networking opportunities for disabled staff.

Having disability role models provides an environment in which staff can flourish. We found that role models that were visible were more likely to have a positive influence on staff and they were more likely to support organisational change. Some role models chose to talk about their disability through blogs and articles, while others supported and helped chair staff disability networks. In our survey, 65 percent of firms said their senior managers and partners have responsibility for disability. Where senior leaders take on responsibility for being a role model, this can highlight that disability is taken seriously. However, few disabled solicitors felt there were visible disabled individuals in senior roles.



"I don't see anyone in a senior position who has a visible disability – this is hard as I don't think disabled people can get there".

"As the senior partner I regularly chat to the individual in question to offer reassurance and support. This is done on a confidential and daily basis. It is hugely important that the person feels supported but respected and valued".

We found that in firms where a staff disability network was in place it offered support and reassurance. Many in the network take on an advisory role to other staff or to the firm. This can, for some, be time consuming and burdensome. However, many are willing to help and lead on disability inclusion. A confidential space afforded staff the opportunity to share stories, ask questions and navigate around firm policies.

### **Case study**

A member of staff at Mills & Reeve set up and co-founded the firm's Ability Network. The network which meets once a month developed guidance for managers on providing reasonable adjustments as well as supporting staff to post articles on the firms' intranet relating to disability, mental health, stress and resilience. The network is supported by senior leaders, who lead on disability and wellbeing. Network members have raised awareness of disability and highlighted training needs for staff. They know people are conscious of being judged and being labelled but have worked closely with colleagues and managers to 'spotlight' how individuals across the organisation are being supported with a range of workplace adjustments. This work has brought in HR, who actively support individuals with queries or adjustments. In some cases, billable hours have been adjusted. This has been achieved through the dedication of network members.

### **Training and learning**

#### **Key points**

- Very few firms provide specific disability equality training. Most training was embedded into equality, diversity and inclusion training.
- Few firms provided training on workplace adjustments. This is an area where disabled staff felt firms could do more.
- Firms that specialised in medical negligence and injury seem to provide a more thorough and comprehensive training on disability equality – this seemed to be motivated by their client base.
- Training was not refreshed or evaluated for effectiveness.
- Disability equality training can create more positive working environments and relationships and encourage people to talk about



their experiences.

- Mental health training is important – but this should not replace disability equality training.

## Top tips

- Training should be provided to all staff and be relevant to specific roles. For example, senior leaders should have training on workplace adjustments and managing diverse teams. Remember to include all staff at the firm.
- Training should cover more than the legislative requirements and the need to avoid employment tribunals. Instead, the focus should be on creating disability inclusive work environments and explore some of the main barriers that disabled people face -including attitudinal barriers.
- Training design and development should involve disabled people either through an employee network or external networks and organisations.
- HR practitioners and managers should receive bespoke training on managing and making reasonable adjustments.
- Managers should be provided with training to support conversations about disability.
- Training should be provided regularly and reviewed for effectiveness.
- Training can include learning from events and specialist organisations.
- Training should be provided in several ways to facilitate different learning styles.

It is important that firms provide relevant and appropriate training and learning opportunities to provide a good understanding of disability equality, equality legislation and its implications. Most firms provide training on equality, diversity and inclusion, but less so on disability and none that we visited on workplace adjustments. Several firms we spoke to mentioned that training tended to be online and some disabled solicitors questioned the benefits of training that could be completed quickly in 10 – 15 minutes. Some firms, ran sessions throughout the year that focused on mental health to mark 'Time to talk' or Mental health awareness day, for example.

Firms that provided disability equality training felt it was eye-opening and made them rethink how they interact with others. Training highlighted barriers and attitudes that exist for disabled people and often addressed myths around disabled people.

Firms that have clients that are likely to be disabled, such as those specialising in personal injury tended to provide disability training – this was focused around clients and less so about creating a disability inclusive workplace.





There was a mix of views from firms on whether training should be mandatory. Some felt training was imperative to drive a culture of change whilst others felt that it was not productive in 'winning hearts and minds' and could lead to resentment. However, most disabled people and disability representative organisations we spoke to felt that training should be mandatory and across all levels of seniority.

### **Case study**

A medium sized firm considered the mental health of a client who had been involved in an accident whilst visiting family in the UK. This caused stress and anxiety to the client. The firm discussed the requirements and decided that seeing the client in their own home overseas was going to alleviate any additional stress rather than several phone calls or asking the client to visit the office in the UK.

One firm involved their Disability staff network to identify good training and provide support to the firm about what training should be offered.

### **Policies and practices**

#### **Key points**

- In some firms there was a lack of understanding about providing workplace adjustments.
- Drafting a policy and setting out actions on disability inclusion helps improve employees experience and wellbeing.

#### **Top tips**

- Promote disability inclusive practices on your website.
- Highlight accessible working practices at interview and induction.

Law firms often have equality initiatives around gender, race, sexuality and religion as well as initiatives which intersect across equality areas. Some have initiatives to improve mental health, an element of disability. But few have initiatives about disability. Firms could better understand disability and its complexities by listening to disabled staff.

Flexible working can provide many disabled professionals with the ability to work at times and locations to suit their needs. Legal career aspirations have been found to be affected by a law firm's culture, the availability of flexible working and reduced hours, and whether flexible working is role modelled by those in senior positions. This highlights the important role of policies and practices in shaping people's aspirations and their understanding about what is possible.



Foster and Hirst (2020) in their report Legally Disabled? The career experiences of disabled people working in the legal profession found that disabled people face barriers to recruitment and progression in the legal profession, as with other professions. These "barriers include[d] accessibility, location of premises, rigid working practices, health-related career interruptions, expectations of physical networking and the unwillingness to facilitate adjustments " (Page 12).

Some law firms use recruitment agencies which then present additional barriers to getting shortlisted. Foster and Hirst explained "that only 9.7% of disabled solicitors and paralegals reported a positive and supportive experience with legal recruitment agencies" (Page 11 Foster and Hirst), which might be undermining equality policies in firms. Sometimes senior personnel try to protect their disabled staff and "underestimate disabled people's abilities and aspirations and deny them opportunities that would advance their career" (Page 12 Foster and Hirst).

As Foster and Hirst mentioned, many lawyers "commonly reported experiencing multiple discrimination, usually related to their ethnicity or gender. Some within this group went to huge lengths to conceal their status as a disabled person (where possible) to avoid a double or triple disadvantage. The consequence of concealment is that access to adjustments that would make their job easier and improve performance were, essentially, forfeited" (Page 16 Foster and Hirst).

## **Case Study**

"I am in the office longer to get myself up to speed. And whereas it might take a colleague half an hour to skim through a document, even with today's technology I don't have the luxury of being able to do that. But how can you reduce someone's billable hours without them being perceived as less able? You could possibly lower your rate which means you can hit your target hours, but does this invalidate how good you are at your job. And I don't want future employers to think I am worth less when I'm not".