



CAPABILITY SCOTLAND

TURNING DISABILITY INTO ABILITY

LAW SOCIETY OF SCOTLAND

CONSULTATION EVENT ON NEW COMPLAINTS PROCESS

SESSION REPORT

HOSTED BY
CAPABILITY SCOTLAND'S
EQUALITY UNIT

MONDAY 2ND JUNE 2008





BACKGROUND

The Law Society of Scotland invited Capability Scotland's Equality Unit to host a disability equality involvement event on Monday 2nd June 2008.

The aim was to obtain the views of disabled people on the new complaints system that will be adopted following the creation of the Scottish Legal Complaints Commission in October 2008.

Five disabled people with a range of impairments and conditions attended the event.

COMPLAINTS PROCESS

The discussion focussed on seven key areas of the complaints process. These areas are set out below with details of the issues raised by the group of volunteers.

1. Commission Liaison

- The Law Society will have limited input into how complaint information is gathered.
- The Law Society will have to rely on the SLCC to gather the necessary disability related information in an appropriate manner that does not put people off complaining or offend the person's dignity.
- The SLCC must adopt an accessible, flexible method for the submission of complaints (i.e., hand written paper form, online form, emailable form, accepting information over the telephone, accepting information in the body of an email, face to face interviews).
- The Society should exercise its duty to promote disability equality by educating solicitors on best practice in disability equality.



- Solicitors may be unsure of how best to interact with disabled people and this could impact on the level of client care received by a disabled person. The Equality Unit could provide the Law Society with the popular resource “Plain Talking” to distribute to solicitors. It provides advice and guidance on communicating with disabled people and preferred language. Please contact the Equality Unit if you would like to place an order.
- Patronising/condescending behaviour towards a disabled client should be recognised as unsatisfactory professional conduct.

2. Investigation – Planning

- The preparation of the investigation plan could be detrimentally affected if the Law Society is not passed relevant disability related information from the SLCC.

3. Investigation – Ingathering Evidence

- Issues relating to meeting with a disabled complainer to obtain further information about the case could include:
 - The accessibility of the Law Society’s offices.
 - Health and safety issues relating to meeting at the person’s home.
 - The need for a British Sign Language Interpreter (or two if the meeting is to take longer than half an hour). It can be difficult to arrange BSL interpreters as there are only about 46 covering the whole of Scotland.
 - Confidence in interacting with disabled people, particularly people with a speech impairment and people who use electronic communication boards as in both cases it can be necessary to have patience and ask the person to repeat themselves if they have not been understood.
 - Any stereotypes and prejudices held by the Complaints Investigator could adversely impact on their analysis of the case, e.g., if the investigator makes assumptions about the complainer’s level of intellect and understanding.



- The Equality Unit recommends that staff should receive tailor made disability equality training delivered by disabled people to ensure that all Law Society staff who will be involved in investigating complaints are confident in communicating with disabled people and do not have patronising or negative attitudes towards disabled people. Please contact the Equality Unit for a tailor made training proposal.

4. Investigation – Analysis

- The report must be sent to the complainer in a format that is accessible to them. This should be discussed with the complainer. Examples include:
 - Large print (from size 14 text upwards).
 - Coloured paper.
 - Audiotape.
 - Braille.
 - An emailed Word document (please note that PDFs do not tend to be accessible to screen readers).
 - An emailed plain text Word document compatible with screen readers (short sentences with no punctuation or formatting).
- The complainer must receive the report at the same time as the other parties. This might involve delaying sending out the standard text report until the accessible format has been produced.

5. Decision

No disability equality issues were anticipated by the group.

6. Powers of the Society

- The Society must appreciate the impact of negative attitudes and patronising/condescending behaviour on disabled people and apply sanctions relative to the stress and anxiety caused.



- The Society should exercise its duty to promote disability equality and make solicitors aware that the Law Society does not condone negative or patronising behaviour towards disabled people, whatever the intention behind it.

7. Appeals and Referrals

No disability equality issues were anticipated by the group.

INFORMATION ABOUT THE NEW COMPLAINTS PROCESS

The Law Society is going to produce a new information pack providing details of the revised complaints process.

The group felt that disabled people might be put off making a complaint if the information and the form were not accessible to them.

The form and supporting information should state clearly that if people require assistance completing the form they can telephone the helpline on 0845 113 0018.

The group felt that it is likely that the public will be confused about the roles of the two bodies and the definitions of the different types of complaints. The information pack should explain the different types of complaints and the roles and responsibilities of the Law Society and the SLCC (see later suggestion regarding FAQ document).

The group were asked about other organisations that have managed to explain complex rules and requirements well. The Scottish Executive produced a good booklet in 2006 for people with learning disabilities regarding being a witness in court (contact 0131 244 2213 for a copy). Also, Lanarkshire ACE has produced a very good DVD "What happens Next?" which is a guide to the Scottish criminal justice system (contact 01355 230 202 for a copy).



Best practice in accessible information

The group recommends the following best practice in accessible information:

- Produce all information in plain language and a minimum type size of 12 point, preferably 14 point (the larger the minimum type size, the more people you will reach with your standard information pack)
- Have good colour contrast between the background and the text (black text on a white background provides best contrast)
- If using white type, make sure the background colour is dark enough to provide sufficient contrast.
- Avoid highly stylised typefaces, such as those with ornamental, decorative or handwriting styles
- Use a clear, easily recognisable, sans serif font (such as arial)
- Use a matt paper of contrasting colour with the type (shiny gloss paper can produce glare).
- Justify type on the left as it is easy to find the start of the next line and keeps the spaces even between words.
- Avoid justified text as the uneven word spacing can make reading more difficult.
- Avoid fitting text around images if this means that lines of text start in a different place, and are therefore difficult to find.
- Avoid setting text over images or textures as this will affect the contrast.
- Don't use blocks of capital letters, underlined or italicised text as these are harder to read (a word or two in capitals is fine but avoid the use of capitals for continuous text)
- Avoid light type weights. Visually impaired people often prefer bold or semi-bold weights to standard type weights.



- Use bulleted lists when appropriate as they can be easier to understand than long paragraphs.

All information produced by the Law Society should include a statement such as “This information is available in a range of accessible formats such as large print, audiotape and email. Please contact us on 0845 113 0018 to discuss your requirements.”

The Law Society should be ready and willing to produce the information in a range of different formats. There is no “one size fits all” for accessible information. For example large print can be anything from size 14 upwards and a person may have a preferred colour of paper and text colour.

Therefore you don’t have to keep a stock of all your publications in alternative formats, but it is important that all members of staff know that you have a legal duty to provide accessible information and that you know what to do if you get a request for an alternative format.

Accessible information should be provided within a short timescale. In order to facilitate this, we recommend that all documents be stored as plain text Word files with no diagrams. This will facilitate the production of large print documents in-house. It will also make it easy to email documents to people who use screen readers.

The group suggested that the Law Society might benefit from accessing one of your key documents using a screen reader so as to understand how the document is received by those using screen readers.

It is understood that the Law Society has links with organisations that can produce Braille and audiotape versions of documents.

All information should be made available on the Law Society website as Word documents. PDFs are often not compatible with screen readers.

The Law Society should endeavour to ensure that the website is as accessible as possible.



As well as providing information in accessible formats, try to make sure that all the information you produce is clear and in plain English. Plain English is clear and concise and avoids difficult words and jargon.

It is recommended that the Law Society shares this best practice with the SLCC.

Frequently Asked Questions (FAQs) Document

The group suggests that a document could be included in the information pack that provides details about the new process in a clear way that encourages people to view the system as user-friendly, open and accessible. It was suggested that this could take the form of a list of FAQs.

This booklet would not just contain disability-related information, but would be designed to provide further details for all. The Helpline could be asked about what their most common enquiries are so as to ensure these are included in the FAQ booklet. Examples of issues that arose during the involvement group that the Law Society might want to include are:

- How long do complaints usually take to be resolved?
- Will lodging a complain affect the outcome of my legal case?
- What proportion of complaints are successful?
- Will I have to attend meetings at the Law Society's offices?
- Will I be allocated a named member of staff to deal with throughout the complaints process?
- Will it require a lot of my time?
- Is there a cost involved in making a complaint?
- Will complaining have an impact on future dealings I have with solicitors?
- Will information be made accessible to me?
- Will I have to fill in lots of forms?
- Can I have help filling in the complaints form?
- What is unsatisfactory professional conduct?
- What is professional misconduct?
- What is the difference between proessional service and professional misconduct?
- If I phone the helpline will I speak to a human being or a machine?

OBTAINING DISABILITY-RELATED INFORMATION FROM COMPLAINERS



As discussed above, in order to effectively progress a complaint from a disabled person, it is often necessary to obtain disability related information.

The current form asks people “Do you have any special needs we need to take account of? If yes, please give details.”

The group felt that the phrase “special needs” should be avoided because it is now thought to be patronising. Disabled people don’t want to be thought of as “special” or “needy”.

The preferred question to ask is “Do you have any requirements that we should know about”?

This captures a lot more than the original question, for example it could include English not being a first language.

It is good practice to cite examples of requirements after the question. This ensures that people know what you mean. It can also encourage people to disclose a requirement, especially if they see a similar example on the list.

The list could include the following examples, with the proviso that the list is not exhaustive:

- Information in an alternative format such as large print or audio tape.
- A BSL interpreter at meetings.
- Meetings to take place at an accessible venue.
- Extra time for meetings.

The group felt that disabled people might think that disability related information might be used against them. Friendly reassurance should be given to ensure that people are happy explaining their requirements.

The group suggested that the Law Society include a statement on the form to the effect that the information will only be used to help in the processing of the person’s complaint and that you are trying to be as accessible as possible.

OTHER ISSUES



- The SLCC is not covered by the Disability Equality Duty. The group were concerned that this could mean that service complaints made by disabled people would not be investigated as effectively as conduct complaints made by disabled people will be investigated by the Law Society, which is covered by the Disability Equality Duty.
- The Code of Conduct for Solicitors does not include anything on best practice in interacting with disabled people. The Equality Unit could help formulate a passage on this to include in the revised edition.
- The group were concerned that a disabled person might be charged more for a meeting if their impairment meant that the meeting took longer than usual. For example if they used an electronic communication board or had a speech impairment and took longer to express themselves. The group recommends that the Law Society looks into the legality of this and provides guidance to members.
- The group suggested that the Law Society could start to use feedback forms. This would enable the Society to gather evidence about the level of service received from solicitors without members of the public having to make a complaint. The feedback could be positive or negative. The Law Society website could include a section “Have you accessed a solicitor recently? Tell us about your experience.”
- The group suggested that the Law Society could engage Capability Scotland’s Equality Unit to undertake a mystery shopping project to analyse the level of service provided to disabled people and the way in which solicitors interact with disabled people. Please contact the Equality Unit if you would like a proposal.

If further information or guidance is required, please contact:

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RESPONSE BY THE LAW SOCIETY OF SCOTLAND

The Society was keen to ensure that all those who took part in the discussions knew how the Society intended to respond to the issues raised. The Society replied to Capability Scotland on Tuesday 10th June indicating that they were happy to accept the comments in the report, and flagging that in tackling the issues they agreed, in particular, to:

- Set up a meeting with the SLCC to discuss and agree actions in relation to the points raised around overlapping responsibilities. In particular to discuss what information is collected on 'requirements which we should know about', the accessibility of their gateway processes, and ensuring we continue to be allowed flexibility in our processes to allow for 'reasonable adjustments'. The meeting date has been arranged.
- Action all comments about how the information pack should be developed, formatted, and what should be included within it. The Society may come back to Capability Scotland for comments on a draft. The suggested content for the FAQs was of particular use.
- Forward the general guidance to our Corporate Communications team and our designers to ensure they influence all publications issued by the Society – many are already part of our house style.
- Try to ensure all publications clearly state that they are available in a range of formats (with examples), and that plain text copies are kept in stock for easy translation. Publications should also make it clear that any information provided on requirements would be used only to improve the process and support the complainer and not in relation to decision making on the complaint.
- Ensure that new documents in relation to the complaints process will be tested on a screen reader
- continue to ensure we produce documents in plain English, noting that all key staff have recently received a day-long plain English course from the Campaign for Plain English.
- Review copies of the two suggested examples of good practice (those for people with learning disabilities being a witness in court and 'What happens Next?' guide from Lanarkshire ACE). These having already been ordered.



- Take account of the comments made in relation to the need to promote positive attitudes about disabled people to solicitors – and address this through the guidance that is currently being developed for solicitors on equality (including addressing specific concerns like cost of additional time in meetings and costs of interpreters).
- Liaise with Capability Scotland about organising training for Society staff in late spring 2009, once the main transition period to the new system is complete (noting that staff had received basic training already).
- Consider including further research/secret shopper work in relation to accessibility of legal services as part of our 2008 to 2011 equality strategy