

# Legally disabled?

The career experiences  
of disabled people working  
in the legal profession

Executive summary  
of key findings and  
recommendations



Authors: Professor Deborah Foster (Cardiff University) and Dr Natasha Hirst (Independent Researcher)

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# Foreword

The well-established philosophy of the disability rights movement in the UK is ‘nothing about us without us’.

For this reason ‘Legally Disabled?’ actively co-produced its research and recommendations with disabled people in the legal profession in England & Wales.

At every stage it involved those that will be affected and (we trust) benefit from its findings. Funded by national lottery money awarded to DRILL (Disability Research for Independent Living and Learning), a four nations consortium of UK disability rights organisations, this project was chosen for funding by Disability Wales. It represents the first comprehensive research of its kind about disabled people working in the profession and draws on the expertise of Dr Debbie Foster, Professor of Employment Relations & Diversity at Cardiff Business School, Cardiff University and co-researcher Dr Natasha Hirst, independent researcher, photo-journalist and disability rights campaigner.

The aims and objectives of DRILL, together with the partnership of the Lawyers with Disabilities Division (LDD) of The Law Society, facilitated unprecedented access, trust and the involvement of disabled people in the profession. Many people contributed to the success of this project, not least

participants who gave up time to attend focus groups, be interviewed and filled out questionnaires. Special thanks go to Disability Wales, who have always been helpful and supportive, to Jane Burton, Chair of the LDD, the LDD executive, members of our Research Reference Group, City Disabilities and its founder Robert Hunter, Daniel Holt of the Association of Disabled Lawyers (ADL), the Interlaw Diversity Forum, Elizabeth Rimmer CEO of Lawcare, Isabel Baylis ED&I advisor at Matrix Chambers and key stakeholders including the ED&I teams at The Law Society (TLS), Solicitors Regulation Authority (SRA), CILEx, the Bar Council and the Bar Standards Board. Last, but not least, thanks go to Cardiff Business School, Cardiff University and the Economic and Social Research Council, for supporting the research through provision of time and funds. Cardiff Business School has chosen to make a significant investment in recent years in research and engagement that is of ‘public value’ and this project is an excellent example of this.

# Introduction

It is estimated that **3.7 million people** or **19% of working adults are disabled** (UK Government, 2018). This disguises the real number of disabled people in employment who choose to conceal their impairment as a consequence of negative stereotypes, or fear of discrimination.

Disability is not a minority issue. The Institute for Public Policy Research in 2003 estimated that 1 in 3 people will experience disability during their working life and MIND estimate that 1 in 4 people in will be affected by mental health concerns in their life-time.

Positive images of aspiring and successful disabled people occupying high status careers are, however, few. Employers and disabled people also report that conversations about disability in the workplace are 'too difficult'. Our research found disabled people in the legal profession entitled to workplace adjustments were often not receiving them, because they feared the consequences of making a request. Among those that did, a significant number experienced ill-treatment, ignorance or discrimination from senior personnel, ill-equipped to respond to them.

We need to face a simple fact: disabled people who anticipate a negative reaction or fear discrimination are not being over-sensitive. We live and work in an inherently ableist society, where negative assumptions and stereotypes continue to exclude and disadvantage and, until this bias, unconscious or conscious, is acknowledged and properly understood, it cannot be challenged. Our research illustrates how disabled people in the legal profession confront rituals, practices and attitudes that exclude or undermine them in their roles as trainees, advocates and employees. The culture that sustains these practices is, moreover, maintained because until now these experiences have been insufficiently documented.

## The Important Role of Co-Production

The approach underpinning this research was co-production. The rationale of co-production is that research that is produced in partnership with those it is intended to benefit, not only more accurately reflects their experiences and priorities, but is owned by those who helped create it. We began our data gathering process by holding eight focus groups throughout England and Wales. We listened to the views of disabled people working in the profession and their priorities and concerns shaped the questions we asked in interviews. Fifty-five individuals were interviewed consisting of trainees, paralegals, solicitors, barristers and a few judges. They hoped to join the profession, currently worked within it, or had left after significant periods of time. Finally, based on an analysis of interview data we compiled two surveys: one for solicitors/paralegals and another for barristers. Almost 300 people responded.

Below we provide a summary of our key findings and recommendations, however we strongly recommend that you read our full report, which is available at: <http://legallydisabled.com/research-reports/>

# Summary of key findings and recommendations

## A) Disability, Background & Career Aspirations

For those disabled in childhood, positive experiences of parenting and schooling were significant in developing self-advocacy skills and confidence: indicators for success in later career stages. Research also identified a sub-group of participants we term 'childhood litigants', who had contact with the legal profession through personal injury or medical negligence. This opened up career enhancing opportunities e.g. work experience / access to networks in law and, in some instances, financial resources. Disabled interviewees also reported a largely positive experience in terms of accessibility and adjustments at University, which many referred to as providing a useful 'benchmark' for employers.

### Recommendations:

1. **We recommend the profession engages in significant outreach work** with schools, universities, parents and careers advisors, to attract disabled people to the profession. There are established schemes that provide work experience in the legal profession to young people from different socio-economic backgrounds. Schemes specifically designed to engage with disabled people considering careers in the legal profession would provide opportunities to develop confidence and advocacy skills, while providing much needed work experience.
2. **We recommend the profession works more closely with Disabled People's Organisations (DPOs) both inside the profession** (e.g. the Lawyers with Disabilities Division (LDD) of the Law Society, The Association of Disabled Lawyers (ADL) and allies, City Disabilities, Aspiring Solicitors, Inter-law Ability Network, Lawcare), **outside the profession** (e.g. Disability Wales, Inclusion Scotland, Disability Action N. Ireland and Disability Rights UK) **and Universities**, to tap into established knowledge and expertise. The valuable knowledge and experience of accessible and inclusive practices held by such groups are transferable to training and employment settings.

## B) Securing Training and Employment: The Application and Recruitment Process

66% of barristers and 59% of solicitors and paralegals we surveyed told us that they were disabled when they started their training. However, only 1 barrister and 8.5% of solicitors / paralegals were confident to disclose this when they made their application. We found those who **identified** as disabled / having a long-term medical condition **at the point of application**, were most disadvantaged when applying for training or employment: short-term work placements appeared to mitigate some of this disadvantage. However, while barristers were largely satisfied with the accessibility of the pupillage gateway, a significant finding was that **only 9.7% of disabled solicitors and paralegals** reported a positive and supportive response when using legal recruitment agencies. This suggests contracting-out of recruitment may be preventing disabled people even entering the profession and undermines Diversity & Inclusion (D&I) work within it. In both interviews and surveys, limited opportunities to request basic reasonable adjustments at application and recruitment stages, were cited as key obstacles and few were willing to initiate such a request, for fear of discrimination. Those that did request, reported mixed experiences: a combination of our qualitative and quantitative data suggests these were largely negative.

An important consideration for many disabled applicants was how accessible potential employers were. Addressing accessibility should not just involve access for wheelchair users, but consideration needs to be given to a range of physical, sensory or learning impairments. When asked how easy it was to find out about the accessibility of a prospective trainer / employer, only 0.9% of solicitors / paralegals surveyed found it 'very easy' and 6.9% 'fairly easy', with 60% expressing concern that inaccessible working environments limited their opportunities. The latter comparable figure for barristers was 50%. The move towards on-line application processes in recruitment and training was raised as a particular concern by some disabled participants and there were particular fears about the implications of the new Solicitors Qualifying Examination (SQE).

## Recommendations

1. Our findings suggest employers / recruitment agencies in the legal profession are, at best, ‘risk averse’ when considering disabled applicants for training or employment and, at worst, discriminating against them. We **recommend that more firms / organisations facilitate placement and work experience opportunities** for disabled applicants, to improve organisational and employer understanding and challenge negative stereotypes and misconceptions. We also **recommend** the introduction of **reserved work experience and training places** for disabled candidates, at least in the short term. We believe only a radical positive intervention can begin to address the current ‘uneven playing field’ that disadvantages disabled applicants.
2. **We recommend** that employers and their representatives improve their understanding of the variety of reasonable adjustments available, the majority of which are inexpensive or cost free. We found the profession wedded to traditional ways of working and the widespread current practice of trying to fit a disabled person into a **standard job role** must cease. **Job re-design to accommodate common and well-recognised reasonable adjustments needs to be placed at the top of D&I disability agendas and properly integrated into workload models.** The Equality & Human Rights Commission (EHRC) provides guidance on commonly accepted adjustments that can be facilitated by employers - <https://www.equalityhumanrights.com/en/multipage-guide/reasonable-adjustments-practice>. **We recommend** that, at a **minimum**, every advertisement, invitation to visit or attend an event, offer of an interview, work experience, training or a job, should include a link to or details of commonly accepted reasonable adjustments available and provide a **well-signposted** opportunity to make further requests for consideration. Few organisations these days would hold an event that served food without asking about people’s dietary requirements; it needs to become as commonplace to ask people if additional adjustments are required.
3. Conversations about reasonable adjustments appear to be difficult and stressful for both disabled people and employers. **We recommend that as a first step, asking everyone at recruitment and in regular appraisals “what adjustments would help you to realise your full potential?” would begin to open up conversations.** Posing this question to all staff also reduces the stigma or ‘special’ status associated with requesting adjustments and can help identify practices of benefit to other groups in the workplace.
4. **We recommend urgent action** is taken by the profession to address our finding that disabled people are experiencing significant problems in interactions with **external recruitment agencies.** The EHRC states: “you are under a positive and proactive **duty** to take steps to remove or reduce or prevent the obstacles a disabled worker or applicant faces”. Our research suggests this duty is currently not being fulfilled and requests for adjustments are being ignored, are deemed too difficult to make, or disabled people report being ‘screened out’ of opportunities. **We recommend that where recruitment is contracted out, employers/ organisations ensure providers have undergone appropriate disability training and that disability equality audits of recruiters are regularly undertaken.**
5. **We recommend that research is extended on the impact of the use of artificial intelligence (AI) in recruitment and selection processes on disabled people.** Emerging evidence suggests there is a need to identify potential bias in AI data sets that use ableist assumptions and criteria, which filter out disabled talent. Metrics and algorithms must be free from bias, non-discriminatory and compliant with human rights law (see for example: Marston-Paterson, 2019).
6. Disabled applicants are currently forced to carry out their own research into the accessibility of prospective employers when this information should be publicly available. **We recommend the profession and recruiters adhere to providing minimum details for service users and employees on accessibility and how to request adjustments on their web sites. Details should include a named and trained organisational contact person and a clear and accessible guide to requesting and securing reasonable adjustments. This guide should also detail procedures for raising complaints internally and within the wider profession (e.g. with regulators). Where information is not available this should be investigated because there is a greater risk that a failure to make a reasonable adjustment will occur.**
7. We recommend that the profession involves disabled people and their representative organisations in a **full evaluation of the current accessibility of training, recruitment and application processes, including the current and future use of technology** in these processes.

## C) Career Paths and Progression

Findings suggest career paths in the legal profession can be more precarious and unpredictable for disabled people because of barriers including accessibility, location of premises, rigid working practices, health-related career interruptions, expectations of physical networking, unwillingness to facilitate adjustments. Some areas of practice were cited as more accessible than others, both physically and attitudinally (see full report). Interpretations of what constitutes ‘**essential criteria**’ for a job role varied by firm, chambers, or area of law being practised and was sometimes based on taken-for-granted or historical precedents.

We found exclusion of disabled people was not always intentional, but routinely accepted in relation to behavioural codes, rituals and stereotypical expectations. These were common barriers at the Bar, though the amount of emphasis placed on physical networking as a career progression activity, which can exclude some disabled people, was identified as important across the profession. The report also highlights what we call “**misplaced paternalism**”: where senior colleagues can make assumptions that underestimate disabled people’s abilities and aspirations and deny them opportunities that would advance their career, with the seemingly good (but misplaced) intention of ‘protecting them’.

Our two surveys (solicitors / paralegals and barristers) asked how many respondents had impairments that were visible or non-visible. We made this distinction because we are aware that identifiable disabled people are subject to negative social attitudes and, if the choice is available, some

people choose to conceal rather than declare they are disabled for fear of discrimination. Interestingly, over 90% of respondents surveyed reported having a **non-visible impairment: 70% exclusively reported a non-visible impairment and an additional 20% identified as disabled people with both visible and non-visible impairments.** However, only 50 - 60% said they disclosed their non-visible impairment when applying for training and jobs / tenancy and, even in cases where an impairment was visible, the majority chose to conceal the non-visible impairment. This suggests many who should be receiving workplace adjustments are not requesting them, or are only receiving partial adjustments and are unable, therefore, to realise their full potential. Even in anonymous equality monitoring surveys we found among solicitors / paralegals only 60% declare they are disabled and the figure is 55% for barristers, suggesting the presence of disabled people in the profession is numerically greater than recorded by regulators and professional associations. Fear of stigma, ill-treatment, or discrimination, are the main reasons people said they chose to conceal they were disabled. Of those that have requested adjustments, over 80% of respondents reported the process caused stress and anxiety. We also found that disabled people were reluctant to move to another role or organisation for promotion because they feared losing agreed adjustments. This is important, as it suggests disabled people are failing to advance, not because of their talents, but because the anticipation of discrimination is limiting their progression. Our full report provides examples that suggest such ‘fears’ are not unfounded.



We found **exclusion of disabled people was not always intentional**, but routinely accepted in relation to behavioural codes, rituals and stereotypical expectations.

## Recommendations

1. Service providers and employers have an **anticipatory** and **continuing** duty to make reasonable adjustments. This duty is one that should benefit disabled clients, trainees, employees and legal practitioners. **We recommend the regulators clarify the duties of legal service providers and employers to make reasonable adjustments and periodically Equality Impact Assess compliance with these duties.**
2. Attitudinal barriers can be difficult to address and unconscious bias can, unintentionally, be disabling. We are aware that unconscious bias training is undertaken in the profession. Specific training on disability and unconscious bias, however, remains under-developed. The Employers Forum on Disability 'time to talk' campaign and the work of Lawcare on mental health have opened up conversations about well-being in the profession, but these need to extend to disability more generally. We found mental ill-health was a common effect of ill-treatment related to being disabled. **We recommend the profession better signposts existing resources available** from the range of DPOs and government agencies such as Access to Work, the EHRC and ACAS. **We also recommend the introduction of reverse mentoring schemes**, where disabled people mentor senior legal personnel.
3. Employers need to acknowledge that the uneven balance of power between an employee and employer inhibits requests for workplace adjustments. **We recommend proactive campaigns are undertaken by professional associations and employers to ensure that reasonable adjustment policies are visible, transparent and accessible. Positive experiences of adjustments were more likely to be found in organisations where dedicated trained disability advisors were present.** Our findings suggest a significant number of disabled people are too frightened to request adjustments and choose instead to conceal they are disabled. **Monitoring the number of requests for adjustments following a campaign would be one way of evaluating its success.**
4. **We recommend a review is undertaken of the way in which reasonable adjustments are applied to performance and appraisal processes across the profession.** Findings indicate that there is currently a poor understanding of the ways in which standard **criteria used to measure performance can put a disabled person at a substantial disadvantage. In such cases an adjustment may be appropriate.**
5. We **recommend the introduction of a 'disability passport' scheme, similar to** the one recommended by the TUC and modelled on British Telecom (<https://www.tuc.org.uk/reasonable-adjustments-disability-passports>). This would help address the common problems of ensuring agreed adjustments are appropriately recorded and transferable when someone moves around within an organisation. This can be particularly important where line managers or supervisors are likely to frequently change.
6. The disadvantages experienced by disabled people in the profession detailed in our report are likely to be reflected in pay and remuneration (see recent reports on the disability pay gap published by the TUC and Office for National Statistics: <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/disabilitypaygapsintheuk/2018>). **We recommend that the profession be the first to introduce a system of disability pay gap reporting** to demonstrate its commitment to understanding and addressing current and historical disadvantages experienced by disabled people.
7. We were told by disabled people in the profession that they wanted to see more disabled **role models and mentors.** It is important that disabled people in senior roles feel comfortable to reveal their identity and that attention is given to the 'pipeline' for talented disabled people to progress. We found senior disabled people leaving the profession prematurely, or feeling pressurised to 'step down' from senior roles. **We recommend organisations and the profession research and review retention, exit, and promotions policies and procedures, to ensure that reasonable adjustments are being appropriately applied in these contexts.**
8. **We recommend that the profession also reviews how reasonable adjustments are used in sickness absence reporting procedures, disciplinary and performance criteria, because of their common use as indicators for promotion.** 56% of solicitors and paralegals we surveyed believed their career and promotion prospects were inferior to non-disabled colleagues. We believe this is a consequence of a poor understanding of how reasonable adjustments apply to a range of policies, practices and criteria among both employers and disabled people.

## D) Disability & Working Practices

Reforms to working practices in the profession have largely been driven by considerations of gender rather than disability. Where increased flexible and remote working has become more accessible to other groups (often women) this has benefited some disabled people, although we found availability is uneven and often dependent upon seniority. There can also be disadvantages to being expected to work flexibly. In our survey of solicitors and paralegals 85% reported pain and fatigue associated with being disabled: managing unpredictable working hours, in different locations, or being expected to work at short notice can, therefore, be difficult.

Some working practices were established at a time when few disabled people worked in the profession. However, disabled people frequently reported an organisational reluctance to adapt, reform, or address exclusionary practices and an unwillingness to listen to suggested practical adjustments based on their experiences. In organisations where a disabled person occupied a senior position, or an organisation exhibited 'high trust' relationships between staff, it was more likely that suggestions from disabled people about adjustments and working environments were welcomed. However, we found limited knowledge of the range of adjustments and equipment available on the market, because of the under-utilisation of experienced providers such as Access to Work.

The widespread continued use of billable hours as a measure of performance across the profession disadvantages many disabled people. Where billable hours had been totally replaced, or used as a threshold for a bonus rather than a hard target, we found evidence that disabled people found it easier to request and secure appropriate adjustments. In a high discretion occupation, quantifying productivity using billable hours appears to undervalue the quality of the service relationship with clients. Further analysis would be required to establish the contribution of different systems to an anticipated disability pay gap in the profession. In some organisations a specific partner or partners had responsibility for work allocation: in such instances there appeared to be a much greater potential and awareness of differences in working practices and a greater possibility of facilitating reasonable adjustments.

Access concerns in places of work and the timing and scheduling of work and attendance in external working environments were problems highlighted particularly by disabled barristers, but also by other disabled legal professionals practicing advocacy. Findings suggest courts were better equipped to facilitate adjustments for disabled clients or litigants, but that there was insufficient anticipation that legal representatives themselves might be disabled and require reasonable adjustments.



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## Recommendations

1. **We recommend an audit and equality impact assessment of existing and alternative workload allocation models and performance management systems.** This would evaluate their transparency, equity and ability to incorporate agreed reasonable adjustments, without detriment. We identified the continued attachment of the legal profession to billable hours as requiring particular scrutiny, as a practice that disadvantages disabled people.
2. The greater availability of **flexible, part-time and remote working and training contracts** is central to the inclusion, retention and advancement of more disabled people in the profession. However, availability needs to be comprehensive and less dependent upon status. **We recommend that organisations establish flexible working and leave policies that are specifically designed for disabled people. Flexible forms of working and disability leave are well recognised reasonable adjustments but policies must make a clear distinction between disability adjustments and the right of other groups to request flexible working or leave (usually parental leave).** Disability Leave is usually categorised as leave to attend a medical appointment, or undergo treatment or rehabilitation. While we found parental leave provisions were relatively well understood, the concept of disability leave on comparable terms was not.
3. **We recommend that specialist services such as Access to Work or occupational therapy (as opposed to health) practitioners are more frequently consulted,** to provide guidance to employees and employers. A greater understanding of these services would benefit employed and self-employed disabled people, who often report isolation because of the absence of a professional HR function.
4. We recommend organisations recognise that **disabled people themselves are usually best placed** to articulate what they require.
5. We recommend a more thorough and balanced assessment is undertaken throughout the profession on **how technology can facilitate more accessible working practices.** Parts of the profession are wedded to practices that rely on physical presence that can disadvantage disabled people. Any such review must also consider **how technology might also inhibit accessibility.**
6. **We recommend that greater attention is paid to all aspects of the accessibility of legal working environments, including courts, chambers and meeting rooms (that may also be used for networking).** While we acknowledge that some historic buildings are difficult to adapt, we found that because the presence of disabled people in the profession remains largely **unexpected, and our research confirms are often invisible, they are insufficiently catered for. A prerequisite for inclusion is anticipation.** We recommend that chambers and courts, in particular, conduct further research and develop more comprehensive policies in this area.

## E) The Role of Key Personnel and Workplace Adjustments

Findings suggest immediate line managers or supervisors play a pivotal role in the reasonable adjustment process, in the management of sickness absence, performance management and promotion. However, we found the quality of the relationship between line managers / supervisors and disabled employees was often too dependent upon 'good will', 'luck' or personality, rather than a good understanding and professional training.

The majority of the senior disabled research participants, if the choice was available to them, chose to conceal their impairment or medical condition for some of their career. This even applied in cases of significant hearing and sight loss. Ill-treatment or fear of discrimination associated with disability did not always decline with seniority, which contradicts what is often commonly assumed. The report refers to adjustments requested by successful and profitable senior staff that were either denied or only secured with difficulties and ill-will. Because identifiable senior disabled people are numerically

few, the profession lacks established precedents for making adjustments to senior roles, which means that, without intervention, this situation will persist.

Interestingly, we found a mixed response to questions we asked about the role of HR departments and diversity professionals (where they were present). There was a general feeling that HR had paid less attention to disability in their D&I portfolio and targeted initiatives were less well developed. HR was, moreover, often regarded as the last place to go to adjudicate a conflict, rather than to facilitate an action. The question 'whose interests do HR serve?' was frequently posed and many had concluded that it was their employers. We found HR activities related to disabled employees primarily described as ensuring the organisation was minimally legally 'compliant'. An absence of institutional knowledge and practical experience of dealing with disabled staff was frequently referred to.



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## Recommendations

1. **We recommend the provision of widespread training and availability of information sources to educate and train key personnel in the area of disability management.**
2. We recommend that organisations establish a **central fund for reasonable adjustments**, so that decision-making by line managers is based on the effectiveness of the adjustment, not primarily on financial considerations that may affect devolved budgets.
3. **We recommend that a senior person in the organisation holds the responsibility for overseeing reasonable adjustments and workloads and is fully trained and appropriately supported and rewarded for this important role.**
4. As part of our recommendation to report on the disability pay gap, the obstacles faced by disabled people in, or seeking senior roles in organisations, requires further scrutiny. We found only rare examples of reasonable adjustments being applied at senior or partnership level and an unchallenged belief that they could not be applied, despite their successful application in other professions.  
**We recommend further research is required in the profession to identify the complex issues surrounding the promotion, retention and seniority of disabled people in the profession.**
5. We recommend an expansion of the professional HR and D&I role (where it exists) to **develop work and commit resources to address what appears to be a hierarchy of equalities concerns in the profession, in which disability is perceived to feature at the bottom.**

## F) Ill-treatment, bullying and discrimination

Findings indicate a significant proportion of disabled people in the legal profession have experienced forms of ill-treatment, bullying, or discrimination, the majority of which were associated with their disability. Our survey of solicitors and paralegals found 60% had experienced ill-treatment in the workplace and of these 80% believed it was related to disability. Among barristers 45% reported having experienced ill-treatment and 71% of these believed this was related to disability.

Common experiences included ridiculing or demeaning language towards them (40% solicitors / paralegals; 60% barristers), exclusion or victimisation (47% solicitors / paralegals) with over 53% of solicitors and paralegals classifying their experiences as discrimination and 35% of barristers. The most significant ill-treatment related to 'poor attitudes/ lack of understanding towards an impairment or health condition', with a significant figure of over 80% of all groups surveyed reporting having experienced this behaviour. We found the psycho-emotional effects of bullying had led people to seek psychiatric support and counselling and seriously affected mental well-being. Some

left promising careers as a consequence, others continued with determination but often at great personal cost, while the associated stress caused relapses in existing illnesses, precipitated new ones, or in some cases ended the ability to work completely.

Those we spoke to with more than one protected characteristic, 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. Examples of ill-treatment that appear in our report suggest the legal profession has a long way to go to address poor behaviour and those on the receiving end of the ill-treatment need to feel confident that they can report it. Among solicitors and paralegals 37% said they "never" reported ill-treatment, among barristers surveyed the figure was 54%.



Our survey of solicitors and paralegals found **60% had experienced ill-treatment** in the workplace and of these **80% believed it was related to disability.**

## Recommendations

- 1. A zero tolerance policy is needed to address ill-treatment and bullying of disabled people in the workplace.** However, this must be underpinned by a more developed understanding of the ill-treatment that disabled people often experience in their day-to-day living and the impact that has on their lives, their well-being, confidence and their ability to work.
- 2. Clear disciplinary policies and reporting procedures need to be established on what constitutes ill-treatment in relation to disability and how it can be reported. We recommend that the professional associations (e.g. The Law Society, Bar Council and Cilex) and regulators establish a working party to develop further guidelines for both employers and disabled people in this area. This needs to include the wider definition of ill-treatment as unacceptable behaviour, because there is some uncertainty about what constitutes discrimination.** It is essential that the profession addresses our finding that currently a lot of fear is attached to reporting ill-treatment related to disability.
- 3. We found a strong link between disability and mental ill-health.** Mental health could be the cause of disability or a consequence of it. **We recommend a review of mental health initiatives in the profession to ensure that they adequately address disability issues and are made accessible to disabled people.**
- 4. Disabled people are often the ‘forgotten’ group in D&I initiatives and this exacerbates the isolation of disabled people. We recommend the profession works closely with groups representing disabled people to actively identify and address ill-treatment and isolation. This includes remote support and the development of more events / networks outside of London.**

## G) The Role of Disabled People's Networks and Organisations

The disability rights movement has a long-established saying: “nothing about us without us”. It acknowledges that disabled people and their representative organisations must be at the centre of any change for it to be effective. Feeling disabled may be a very individual experience, but our data demonstrates that it is usually possible to identify common barriers. Reasonable adjustments focus on the individual and use a medical model of disability, one that dominates in law and social policy.

However, we found that this individualisation can ‘privatise’ the experience of disability. Many people who joined a network or group run by disabled people spoke about sharing their experiences and finding out from others what works. It is important to identify these shared experiences, which can be physical, attitudinal, cultural, or which may be based on common misconceptions and stereotypes. By doing so, it is then possible to integrate them into policy and practice and ultimately depersonalise them. Solicitors appeared to be best served by networks organised by disabled people with experience of working in the profession; disabled barristers reported the least support.

Respondents to our surveys, when asked about what contributed to positive experiences at work, cited “visibility of other disabled people in the working environment” in their top four. The “presence of diversity networks” ranked lower; nonetheless, more than half of those surveyed did not have access to a disability network because either there were too few disabled people working in their organisation to form a work-based network, or they were located outside of London. We found, when asked for positive suggestions, reducing isolation and sharing experiences of disability and work in the legal profession, featured highly.

Many people spoke about an absence of organisational knowledge and expertise on disability. Given the variety of work settings and their differences in size within the legal profession, it was expected that organisational experience of disability would vary. Our findings suggest, however, even in those organisations with a dedicated D&I presence, disabled people's networks were underdeveloped and had less organisational support and presence.



We found, when asked for positive suggestions, **reducing isolation and sharing experiences of disability and work** in the legal profession, featured highly.

## Recommendations

1. The profession needs to ensure that **disabled people's voices are sufficiently represented in policy-making and considered when developing new practices**. This can only be achieved if disabled people's networks that are run by disabled people are more representative, better resourced, supported and acknowledged.
2. The profession needs to acknowledge that outside of London, professional and inter-firm networks established to represent disabled people are extremely under-developed and under-resourced. **We recommend establishing and resourcing regional networks and developing virtual network communities, which would help disabled people who find networking as an activity disabling**.
3. There has been an historic absence of any **real network dedicated to disabled people working at The Bar**. The establishment of the Association of Disabled Lawyers (ADL) as an outcome from this project has begun to help to address this and **we recommend** this is supported.
4. Disabled people themselves are often the best people to ask about appropriate adjustments and this brings us back to a theme mentioned earlier in this summary, one of trust. **We recommend that employers trust and listen to disabled people and exercise the same imagination that most disabled people employ in their everyday lives**. Being disabled does not mean that an employee is less intelligent, committed, or productive. It often means they have travelled further to get where they are through determination, ambition, tenacity and problem-solving skills that are well suited to a successful career in the legal profession.

1. Institute for Public Policy Research (IPPR) (2003)  
Sue Regan and Kate Stanley, Institute for Public  
Policy Research, Work for Disabled People - The  
Achilles heel of Labour's welfare-to-work agenda?  
(online), available at:  
[http://www.ippr.org/uploadedFiles/research/  
projects/Social\\_Policy/Work%20for%20  
disabled%20-%20Archilles\(1\).pdf](http://www.ippr.org/uploadedFiles/research/projects/Social_Policy/Work%20for%20disabled%20-%20Archilles(1).pdf)
2. The UK Government's Family Resources Survey  
(2018)
3. MIND (2017) [https://www.mind.org.uk/  
media/34727125/facts-statistics-2017-pdf-  
version.pdf](https://www.mind.org.uk/media/34727125/facts-statistics-2017-pdf-version.pdf)
4. Marston-Paterson, M (Sept. 2019)  
(Diversity & Inclusion Content Producer)  
CHAMBERS AND PARTNERS

“ ”

Greater than 90% of disabled legal professionals have invisible impairments that may not be known to employers or colleagues unless individuals choose to disclose.

“ ”

81% of barristers and 86% of other legal professionals who have requested reasonable adjustments or support say that the process has created stress and anxiety for them.

“ ”

71% of barristers and 56% of other legal professionals did not feel that they have the same opportunities for career progression as their non-disabled colleagues.

**For the full report visit:**

**<http://legallydisabled.com/research-reports/>**



Cardiff Business School

Ysgol Busnes Caerdydd

Foster, D and Hirst, N  
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Cardiff University

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