

Disability inclusion

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The case for disability inclusion

Evidence has shown that many disabled people are not open about their disability in the workplace. In the report *Legally Disabled?* [<http://legallydisabled.com/wp-content/uploads/2020/01/Cardiff-uni-Legally-Disabled-Executive-Summary-A4-FINAL.pdf>] , Foster and Hirst found that disabled lawyers often fear the potential negative consequences of disclosing their disability. Therefore they do not request reasonable adjustments.

Without workplace adjustments, disabled employees are less likely to reach their full potential. Of those in the report who did disclose, many experienced ill-treatment, ignorance or discrimination.

There is more that law firms and other employers can do to encourage disability inclusion in the workplace and reflect the population they serve.

Monitoring disability in the workplace

All law firms are required to collect, report and publish workforce diversity data [<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/your-data/>] (Standard 1.5 of the Code of Conduct for Firms [<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/>]) including for disability.

Disability is underreported in the profession. Only 6% of lawyers and 8% of other staff in law firms declared they had a disability in 2021, compared to 16% of the workforce in the UK

[<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/labourmarketstatusofdisabledpeoplea08>]

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When asked if their day-to-day activities were limited by a health condition or disability, 1% lawyers and 1% of other staff reported they were affected a lot. And 5% of lawyers and 6% of other staff were affected a little.

Find out more from our Law Firm Diversity Data Tool

[<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/law-firm-diversity-tool-2021/>] .

Taking steps towards a disability inclusive workplace

To help law firms and other employers promote disability inclusion, we have summarised best practice and case studies from a range of sources. This includes our own good practice report into disability inclusion [<https://www.sra.org.uk/sra/research-publications/disability-workplace/>] in large and small law firms. Although focused on law firms, the guidance could equally apply to other employers, and those working in-house.

Open all [#]

Provide reasonable adjustments

Providing reasonable adjustments for employees and clients is a legal requirement and essential in meeting your regulatory obligation to encourage equality, diversity and inclusion.

Be proactive in offering reasonable adjustments

- Initiate open conversations about reasonable adjustments at recruitment. Disabled people we spoke to for our report found this helpful as it meant they worried less about disclosing their disability and the adjustments they needed. The Legally Disabled? [<http://legallydisabled.com/wp-content/uploads/2020/01/Cardiff-uni-Legally-Disabled-Executive-Summary-A4-FINAL.pdf>] report recommends that at a minimum, firms should signpost commonly accepted workplace adjustments in every invite to an interview, work experience, event, training or job (Foster and Hirst, p7).
- Continue the conversation about reasonable adjustments throughout a person's employment in a positive and constructive way, involving the disabled person as recommended in The Law Society guidance (2021, p10).
[<https://www.lawsociety.org.uk/topics/lawyers-with-disabilities/reasonable-adjustments-in-organisations-best-practice-for-disability-inclusion>]
- People may become disabled while they are working in a firm or have conditions which fluctuate. So firms should respond to changed circumstances and be prepared to offer reasonable adjustments at any time in a person's career. Both the solicitor and employer to consider whether they are well enough to practice and take steps, even in the short term, to support them. This may involve making sure the person is supported to undergo medical treatment, providing additional supervision or considering restrictions for their work. Read more about our approach to health issues and medical issues [<https://www.sra.org.uk/solicitors/guidance/sra-investigations-health-issues-and-medical-evidence/>].
- Be clear who is entitled to reasonable adjustments. All long-term health conditions that have an adverse effect on the individual's ability to carry out day-to-day activities are covered. This could include symptoms caused by the menopause, neurodivergent conditions and some mental health issues. As Foster and Hirst found in their Covid-19 study [<http://legallydisabled.com/wp-content/uploads/2020/11/Covid-report-TLS-Oct-2020-FINAL.pdf>], some staff may not know that they fall under the legal definition of disabled (2020, p13).
- Promote the fact that you offer reasonable adjustments for your clients and make your website and communications accessible. Our research into workplace adjustments within legal services found that only one in six clients are proactively asked if they need adjustments. [<https://www.sra.org.uk/sra/how-we-work/reports/reasonable-adjustments/>]

Train your staff on reasonable adjustments

- Disabled solicitors we spoke to for our report told us how important it was to train staff who lead, manage and supervise teams about reasonable adjustments. This is so they are clear about the firm's policy and what is available.
- Learn more about the common adjustments you can make. For example, The Equality and Human Rights Commission's Reasonable Adjustments in Practice [<https://www.equalityhumanrights.com/guidance/business/employing-people-workplace-adjustments/examples-reasonable-adjustments-practice>] provides clear guidance on this, as does the Law Society's guide [<https://www.lawsociety.org.uk/topics/lawyers-with-disabilities/reasonable-adjustments-in-organisations-best-practice-for-disability-inclusion>].
- Get expert advice where appropriate and consider schemes such as Access to Work [<https://www.gov.uk/access-to-work>]. This may also assist employees with grants if the support required has financial costs attached.

Provide flexible working and other adjustments



- In our report we found that flexible or agile working, which was available for all staff, was also seen as a reasonable adjustment for disabled staff. It is important to consider whether further adjustments are needed. The Legally Disabled? Covid-19 report [<http://legallydisabled.com/wp-content/uploads/2020/11/Covid-report-TLS-Oct-2020-FINAL.pdf>] found that for some disabled staff, the physical adjustments needed to improve their home working environment were not provided (2020, p21).
- As hybrid working is now more common, you should take extra steps to support your disabled staff. The Legally Disabled? Covid-19 [<http://legallydisabled.com/wp-content/uploads/2020/11/Covid-report-TLS-Oct-2020-FINAL.pdf>] report found that disabled respondents were more likely to say communication with managers had deteriorated since Covid-19 and remote working (2020, p39-40).

Examples of good practice in law firms

Providing adjustments for neurodivergent staff

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, which was not recorded as 'billable'.

Keeping reasonable adjustments under review

TLT LLP launched an 'Enabled Employee' scheme giving employees who require specialist assistance a clear understanding of what support is available. This is through their journey as recruits, trainees and employees. They identified the importance of confidence and knowing who to speak to, in helping people get the support they needed to reach their full potential.

TLT encourages people to be open about their needs at the interview stage and recognises the importance of the line management relationship. The scheme supports managers to recognise the signs that someone is struggling and offer a helping hand to get them back on track.

Getting expert advice

A firm sought expert help from the Sensory Advice Resource Centre [<http://www.sarc-bid.org.uk/>] to communicate with a deaf British Sign Language speaking client who had asked the firm to represent them. They were given contact details for local and national interpreters. And information about NRCPD [<https://www.nrccd.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.

Monitoring the provision of reasonable adjustments

BBH Legal record and monitor workplace adjustments, tracking the type of adjustment requested and the support provided. This helps them review the needs of their staff and plan accordingly.

Create an inclusive culture with buy-in from senior leaders

Firms with a clear strategy supported by senior leaders are more successful in achieving a disability inclusive culture.

Involve senior leaders in your work to promote disability inclusion

- Encourage senior leaders to openly support disability inclusion, for example, by chairing disability-related events and supporting staff networks. We found that where senior leaders were visible there was much more engagement and discussion about disability across the firm by all staff.
- Make a public commitment to disability inclusion by signing up to schemes like the Valuable 500 initiative (<https://www.thevaluable500.com/>). And make sure your clients are aware of your commitment so they are comfortable in asking for reasonable adjustments they may need.
- According to Legally Disabled? (<http://legallydisabled.com/wp-content/uploads/2020/01/Cardiff-university-Legally-Disabled-Executive-Summary-A4-FINAL.pdf>), disabled people can help to break down attitudinal barriers and biases towards disabled people through reverse mentoring (Foster and Hirst, 2020, p9).
- Encourage disabled staff, or invite others from outside the firm, to share their lived experience, acting as role models with support from senior leaders and allies.
- Establish an internal disability network to support disabled staff and involve the network in helping to build a disability inclusive workplace.

Examples of good practice in law firms

An active staff network influencing change

A member of staff at Mills & Reeve co-founded the firm's Ability Network. They meet monthly, develop guidance for managers on providing reasonable adjustments and post articles on the firm's 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.

A disability network showing authenticity and ambition

BCLP's formal disability inclusion journey started in 2017 with the formation of their Disability Network, which aims to support staff with, or who have a connection with, a disability. It is spearheaded by two Partner Champions and several junior lawyers, who have sought to make sure that disability is on the firm's leadership agenda and considered across the entirety of the business.

The network launched an executive story-telling campaign where members shared personal stories across the firm to show how disability can affect people's lives. They have also developed a disability strategy to address stigma and develop more inclusive offerings and people processes, sought expert advice from Business

Disability Forum [<https://businessdisabilityforum.org.uk/>] and PurpleSpace [<https://www.purplespace.org/>] and hosted firm-wide disability awareness events. Disability is now a key element of BCLP's diversity and inclusion strategy and the network, open to all staff, continues to work to address the firm's areas for improvement with authenticity and ambition.

Senior leaders sponsoring disability inclusion

Senior leaders at Eversheds Sutherland actively sponsor the firm's vision and programme of work on disability, mental health and wellbeing which was launched in May 2018. They actively drive this work forward and use social media to promote the work they are doing on disability inclusion. Eversheds Sutherland is a Disability Confident Employer [<https://www.gov.uk/government/collections/disability-confident-campaign>] and has begun working to achieve Disability Confident Leader status and have also signed up to the Valuable 500 initiative.

Creating an open and inclusive culture

- Small firm Belcher Frost works to provide the best possible support for their employees, which in turn gives their clients the service they need. They introduced an open door policy where people are encouraged to speak about any issues and concerns. The firm provides a diverse range of working patterns which means colleagues want to stay with them and that their valuable skills and experiences have helped to increase their bottom line.
- Myers & Co Solicitors has a designated senior leader who provides support and information on disability, mental health and wellbeing. Staff are encouraged to speak about and request workplace adjustments. The firm promotes an open door culture to encourage open communication, feedback and discussion about workplace concerns. This also means decisions on workplace adjustments are made promptly.

Disability in workplace: Katherine Ramo - YouTube

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Katherine Ramo, Technology, Media, IP, Competition, Associate, CMS UK

Set targets and monitor progress

Use monitoring and other data to track your progress in creating a diverse and inclusive culture for disabled staff.

- If you have a formal diversity strategy, make sure it includes actions to achieve disability inclusion, including targets where appropriate, and monitor progress.
- Given the widespread underreporting of diversity in the sector, take time to build the confidence of your disabled staff so they feel comfortable to disclose their disability. It is always helpful to explain how their data will be used and how it will help the firm develop an inclusive culture.
- Use your diversity data to monitor the recruitment, retention and progression of your disabled employees and identify actions to address any gaps.
- You may find it useful to monitor client feedback and complaints to help improve the service you provide for disabled clients.

Examples of good practice in law firms

Using data to drive inclusion

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 inclusion, 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.

Recruit disabled talent and improve retention and progression

Entry and progression in the profession can be challenging if barriers such as bias in the recruitment process and exclusionary practices in the workplace continue to persist.

- As well as providing reasonable adjustments at the interview stage, make sure the recruitment process is accessible and focuses only on the skills and experience required. The Law Society reasonable adjustments guidance suggests making sure the 'language, information, tasks and processes' are inclusive of neurodivergent applicants (2021, p. 17). Where psychometric tests are used, ensure they are disability inclusive and avoid judging a candidate based on mannerisms such as eye contact.
- If you rely on recruitment agencies, make sure they are fairly assessing disabled candidates and challenge them to provide diversity in the candidates put forward.
- Review your work experience programme and consider actively providing opportunities for disabled law students.
- Consider alternative ways of recognising performance. For example, our workplace culture thematic review [<https://www.sra.org.uk/sra/research-publications/workplace-culture-thematic-review/#:~:text=Our%20thematic%20review%20looked%20at,workloads%20and%20allocation%20of%20work>] found that billable hours is an aspect of workplace culture that respondents most wanted to improve. Legally Disabled [<http://legallydisabled.com/research-reports/>] found that in firms where billable hours had been replaced or only used as a threshold for a bonus, disabled people found it easier to ask for and receive adjustments and were less likely to be disadvantaged (Foster and Hirst, 2020, p.14). The Law Society suggest measuring performance by 'outputs or projects completed' (2021, p43).

Examples of good practice in law firms

Taking steps to encourage disabled candidates

Reed Smith has 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/>] and EmployAbility [<https://www.employ-ability.org.uk/>]. The firm is interested in recruiting disabled solicitors, holding events on access to the profession and working with Aspiring Solicitors [<https://www.aspiringsolicitors.co.uk/>] and The Law Society's Disabled Solicitors Network [<https://www.lawsociety.org.uk/topics/disabled-solicitors/>] to encourage disabled graduates to apply for roles.

The firm has abolished cognitive aptitude tests in their graduate recruitment process and adopted an un-timed, behavioural strengths assessment. The firm was concerned

that traditional (timed) psychometric tests could discriminate against disabled applicants. This was particularly the case for some applicants with dyslexia or autism due to the heightened anxiety associated with timed testing. They also review applications on a case-by-case basis to ensure that all needs are met.

Provide training and learning opportunities

It is important that firms provide relevant and appropriate training and learning opportunities on disability inclusion and reasonable adjustments.

- Disability inclusion training should be provided to all staff and be relevant to specific roles. This might be part of wider training on equality, diversity and inclusion, but should expressly address disability. It is most effective if you use a range of learning opportunities including online modules, events or talks, as well as opportunities for group reflection and discussion.
- Training should cover how to make and manage reasonable adjustments. This includes facilitating conversations to support disabled people and an understanding of the barriers that disabled people face including attitudinal barriers.
- Make sure your training raises awareness of how diverse disabilities are. This should highlight that some disabilities are invisible and can include health conditions such as autoimmune diseases, mental health issues and neurodivergency.
- Training design and development should involve disabled people either through an employee network or external networks and organisations.

Examples of good practice in law firms

Developing issue-specific training

Shoosmiths foster an inclusive culture where colleagues feel valued and able to perform to the best of their abilities. They developed line manager guidance about how to support individuals with a disability or health condition. This recognised the vital role managers have in ensuring all colleagues are able to perform their role and make a full contribution in the workplace.

The firm also launched separate training around mental health - a mindfulness course so all employees can learn, practise and enjoy the benefits of mindfulness training.

Other resources

Our resources

Workplace culture thematic review [<https://www.sra.org.uk/sra/research-publications/workplace-culture-thematic-review/#:~:text=Our%20thematic%20review%20looked%20at,workloads%20and%20allocation%20of%20work>]

Promoting disability inclusion in law firms – setting out good practice [<https://www.sra.org.uk/sra/research-publications/disability-workplace/>]

Reasonable adjustments in the provision of legal services [<https://www.sra.org.uk/sra/research-publications/reasonable-adjustments/>]

Research reports

Legally Disabled? report [<http://legallydisabled.com/research-reports/>]

Legally Disabled? Covid-19 report [<http://legallydisabled.com/wp-content/uploads/2020/11/Covid-report-TLS-Oct-2020-FINAL.pdf>]

National Disability Strategy

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1006098/National-Disability-Strategy_web-accessible-pdf.pdf]

Good practice guides

Reasonable adjustments best practice report (The Law Society)

[<https://www.lawsociety.org.uk/topics/lawyers-with-disabilities/reasonable-adjustments-in-organisations-best-practice-for-disability-inclusion>]

Reasonable adjustments in practice (Equality and Human Rights Commission)

[<https://www.equalityhumanrights.com/guidance/business/employing-people-workplace-adjustments/examples-reasonable-adjustments-practice>]

Schemes and charters

Get support in work if you have a disability or health condition (Access to Work, GOV.UK [<https://www.gov.uk/access-to-work>])

Disability Is Your Business (The Valuable 500 [<https://www.thevaluable500.com/>])

Disability Confident employer scheme (GOV.UK)

[<https://www.gov.uk/government/collections/disability-confident-campaign>]

Aspiring Solicitors [<https://www.aspiringsolicitors.co.uk/>]

Disability groups and networks

Disabled Solicitors Network (The Law Society [<https://www.lawsociety.org.uk/topics/disabled-solicitors/>])

PurpleSpace [<https://www.purplespace.org/>]

Disability Forum [<https://businessdisabilityforum.org.uk/>]