

Building trust with your clients

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About these resources

You can use these resources to help recognise and respond appropriately to a lack of trust between you and your clients - and how to overcome it.

The focus is on building trust with clients from minority ethnic groups because evidence exists to show that they are less likely to trust lawyers, legal services and our justice system.

We use 'minority ethnic groups' to refer to all ethnic groups except White British, including white minorities such as Gypsy, Roma and Irish Traveller groups.

This evidence includes but is not limited to:

- The Lammy Review [<https://www.gov.uk/government/organisations/lammy-review>] , in relation to the criminal justice system.
- Research by the Legal Services Consumer Panel [https://www.legalservicesconsumerpanel.org.uk/wp-content/uploads/2021/01/2021-01-13_BAME-user-experiences_FINAL.pdf] , into the experiences of minority ethnic groups using legal services.

Building trust with clients from different cultural or ethnic backgrounds to your own is a form of cultural competence which can be defined as:

- Understanding and respecting how your clients' cultural or ethnic background can affect their needs, expectations and behaviour.
- Appreciating how your own cultural or ethnic background affects how you engage with other people.
- Working to address any assumptions or forms of bias you hold towards people from different cultural or ethnic backgrounds to your own. For example, completing training about anti-racism, anti-discriminatory practice or unconscious bias can help.
- Adapting the delivery of your services as required to take account of the above.

Notes on using these resources

- They are neither compulsory nor exhaustive.
- Although they focus on building trust with people from minority ethnic groups you can use them to build trust with other clients, such as young



clients.

- If you are from a minority ethnic group you may still benefit from taking steps to build trust with clients from different cultural or ethnic backgrounds to your own.
- Identities are intersectional: the degree of trust that your client has in you and your services can be linked to multiple characteristics, for example, age and ethnicity.
- They are not intended to address wider issues of disadvantage and inequality in our society.

Your obligations

A lack of trust makes it harder:

- For people to participate effectively in legal services.
- To meet competence C2 from our Competence Statement [<https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/competence-statement/>] , to establish and maintain effective and professional relations with your clients.

This is because, for example, a lack of trust could make your client less likely to:

- engage effectively with you
- share information with you
- believe your advice or take it seriously.

Building trust with your clients can help meet this competence requirement. It can also help you demonstrate SRA Principles

[<https://www.sra.org.uk/solicitors/standards-regulations/principles/>] - specifically:

- Principle 2 [<https://www.sra.org.uk/solicitors/standards-regulations/principles/#principle-1>]
- Principle 6 [<https://www.sra.org.uk/solicitors/standards-regulations/principles/#principle-1>]
- Principle 7 [<https://www.sra.org.uk/solicitors/standards-regulations/principles/#principle-1>]

Open all [#]

How to recognise a lack of trust

You can use these questions to help recognise if your client lacks trust in you, your services or the justice system:

- Are you finding it difficult to engage with your client, for example, are they missing meetings or not responding to you?



- Has your client been rude to you, for example, have they questioned your ability to represent them or accused you of not doing anything to help?
- Does your client seem unreasonably sceptical about your advice?
- Does your client seem resigned to losing their case even if you have advised they have a strong case?
- Has your client said anything about the way people from their ethnic or cultural background are treated by the justice system?
- Are you aware of anything in your client's case or past which could contribute to a lack of trust, for example, a bad experience with the police, another lawyer or a judge?
- Is there anything in your client's case papers which might indicate a lack of trust such as something they said in an interview?
- Are you aware of anything which indicates that your client may have been treated unfairly by another professional in their case?
- Does your client seem reluctant to share information with you, for example, have they challenged your request for information that will help you act in their interests?
- Is there a communication barrier making it hard for you to engage effectively with your client, for example, do they require support from an interpreter even if they appear to be quite fluent in English?

When you consider these questions it is important to:

- Remember that trust is affected by a range of factors and that signs of distrust can intersect with other issues, such as a condition which affects your client's behaviour.
- Avoid assuming that all people from a particular background share the same views towards lawyers, legal services or the justice system.
- Think about possible non-verbal signs of distrust, for example, frowning, crossed arms, clenched fists and avoidance of eye contact.

How to build trust

If you identify that your client lacks trust in lawyers, legal services or the justice system then you should take reasonable steps to build trust with them.

Examples below show how you can build trust with your clients when you take steps to meet competence C2 from the Competence Statement

[<https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/competence-statement/#c2>] .

This focuses on building trust with clients from minority ethnic groups as well as clients from other backgrounds.

C2 Establish and maintain effective and professional relations with clients

a. Treat clients with courtesy and respect

Being sensitive to your client's cultural or ethnic background can help build trust and be an important part of treating them with courtesy and respect. You should try to learn about your client's cultural or ethnic background and avoid making assumptions which can erode trust.

Tips:

- Some behaviours, such as shaking hands, are respectful in some cultures but not in others.
- Your client's religious beliefs may be linked to their cultural or ethnic background. Not arranging meetings during times of religious observance can help build trust by demonstrating courtesy, respect and cultural competence.
- Regardless of your client's background timekeeping is an important indication of respect. If you are unavoidably late, apologise and explain why.
- Use body language and other forms of non-verbal communication to communicate interest, sympathy and respect.
- Consider using an informal and relaxed approach to put your client at ease.
- If you're unsure about something related to your client's cultural or ethnic background which is relevant to the service you are providing then you should ask about it in a sensitive and appropriate way.

b. Provide information in a way that clients can understand, taking into account their personal circumstances and any particular vulnerability

Circumstances linked to your client's cultural or ethnic background may require you to tailor how you provide information to them.

For example, your client from a minority ethnic group may not speak English as their main language, or at all. According to data from the Government:

- Bangladeshi people are the group most likely to not speak English well, or at all.
- People from 'Other White ethnic background' are the group least likely to speak English as their main language.



- 60% of those who can't speak English well are female.
- Pakistani and Bangladeshi women are five times more likely than their male counterparts to speak no English.

Adapting how you communicate with a client who can't speak English well, or at all, can help them participate effectively in your services and build trust. Possible adaptations include:

- Simplifying key documents including written advice and client care letters.
- Slowing your pace of speech.
- Using plain English and avoiding legal jargon.
- Asking your client if they understand something, for example, by asking them to repeat it back in their own words.
- Arranging for an interpreter or translator to attend meetings with your client.
- Arranging for the translation of documents into your client's first language.

The Equal Treatment Bench Book includes useful guidance on intercultural communication and communicating effectively with people who speak little or no English.

c. Understand and respond effectively to clients' particular needs, objectives, priorities and constraints

When you take steps to meet this requirement you should consider whether any of your client's needs, objectives, priorities or constraints are affected by issues linked to their cultural or ethnic background. This may be more likely in certain areas of law. For example:

- In divorce or childcare proceedings your client's objectives and priorities may be influenced by their cultural beliefs about marriage, family and raising children.
- Minority ethnic groups are disproportionately affected by the criminal justice system and less likely to trust it. Some groups are more affected than others, for example, young Black men.
- If your client is involved in a family matter and comes from a country or culture with little or no interference in parenting practice, then the way they tell their story and engage with you, or agencies, may be affected.
- Some people may only associate the legal system with crime and punishment, therefore seeing involvement as a source of shame and dishonour – concepts which have a very high premium among some groups.

You should also consider whether any cultural context needs to be included in your client's statements to explain more clearly their circumstances and the position that they are taking.

d. Identify and take reasonable steps to meet the particular service needs of all clients including those in vulnerable circumstances

Your client may have particular service needs if they distrust lawyers, legal services or the wider justice system. For example, they may be more sceptical of your advice and directions from the court or not understand how the legal system functions in this country.

As a result, you may need to spend more time providing explanations or explain things in a different way.

People from minority ethnic groups are more likely to be in circumstances that make them vulnerable and create service needs which you need to meet. For example, they are:

- Less likely to speak English as their main language, or at all, which creates particular service needs in terms of how you communicate with them.
- More likely to have issues in areas of immigration and asylum law which can make them vulnerable and create particular service needs.

e. Identify possible courses of action and their consequences and assist clients in reaching a decision

If your client distrusts lawyers, legal services or our justice system then you should make sure they understand:

- The reason(s) that a set of circumstances has arisen from a legal perspective.
- The possible courses of action in their case.

Making the effort to do this can help build trust and help your client reach a decision which is in their best interests.

This can be especially important in criminal proceedings. For example, making sure your client understands that accepting responsibility for an offence could result in an avoidance of trial and a significantly reduced sentence.

In youth justice proceedings, it could result in the avoidance of court altogether.



f. Manage client expectations regarding options, the range of possible outcomes, risks and timescales

A lack of trust can affect your client's expectations regarding your services and the outcome of their case. For example, they may believe that the only sign of good advocacy is winning their case even if it is weak.

Research by The Legal Services Consumer Panel

[https://www.legalservicesconsumerpanel.org.uk/wp-content/uploads/2021/01/2021-01-13_BAME-user-experiences_FINAL.pdf] finds that clients from minority ethnic groups are more likely to be dissatisfied with the outcome of their case.

You should consider if your client's expectations are affected by their degree of trust in legal services. If they are, you should identify and take reasonable steps to manage their expectations. Ways of doing this could include:

- Asking them about their expectations and concerns.
- Making sure they understand their options, the risks or weaknesses of their case and the possible outcomes, including the reason(s) why each outcome is possible.
- Checking your client feels heard and understood by you.
- Making sure they are aware of any possible delays such as adjournments or issues with disclosure.

g. Agree the services that are being provided and a clear basis for charging

Your client's trust in you may be affected by their perceptions or concerns about the cost of legal services. Research by the Legal Services Consumer Panel finds that clients from minority ethnic groups experience:

- Greater levels of dissatisfaction with the cost of legal services and clarity of terms.
- Less confidence in how lawyers will handle their money.

If your client is concerned or confused about these issues and it is affecting their trust in you then taking steps to agree a clear plan in respect of payment with your client can build trust. This could include:

- Asking if your client has any concerns about your services or costs, having provided the information in writing and in a way your client can understand.
- Explaining the limits of your services.
- Providing a more detailed breakdown of costs.



- Making sure your client is aware of any possible increase to costs.

h. Explain the ethical framework within which the solicitor works

Research by the Legal Services Consumer Panel finds that people from minority ethnic groups have less confidence in making a complaint about legal services.

Explaining your ethical obligations and how you are held to account can help build trust with your client, particularly if done at an early stage.

Making sure your client understands the ethical framework in which the courts and judges operate can also build trust.

i. Inform clients in a timely way of key facts and issues including risks, progress towards objectives and costs

If your client distrusts lawyers and their services then they may expect to receive more information about certain aspects of their case, such as costs, and to receive it quickly. If this is the case, you should:

- Agree clear timescales for when things are likely to happen.
- Take reasonable steps to meet those timescales, and build trust.

If you can't reasonably meet an agreed or expected timescale, for example, because of a delay that is outside of your control, you should clearly explain this to your client and agree an appropriate way forward. Not doing this could damage trust.

j. Respond appropriately to client concerns and complaints

People who lack trust in lawyers, legal services or the justice system may have a number of concerns. These include:

- how they will be treated in court
- your ability to understand them and therefore act in their best interests
- the cost of your services
- the possible outcomes of their case.

You should take reasonable steps to identify any client concerns by having an open discussion and encouraging them to be honest.

If you identify that your client has concerns relating to trust, you should take reasonable steps to address them, for example by:

- Asking your client how they would like their concerns to be addressed.
- Telling your client about how the court is required to treat them, and their options if they feel that the court fails to meet these requirements.
- Spending time working to understand your client's background or circumstances if their concern is that lawyers don't understand them.

You should do this early on when dealing with your client and at appropriate stages throughout their case.

Active listening: a tool for building trust

Active listening can help build trust by making people feel heard and valued. Some of the key features are:

- Focusing your attention on what the speaker is saying rather than your response to it.
- Staying neutral and not expressing a judgement about what someone has said.
- Giving verbal signs of listening, such as paraphrasing or reflecting back what is said.
- Giving non-verbal signs of listening, such as eye contact.
- Showing interest by asking questions and seeking clarification.
- Being patient by not interrupting people or showing signs of disinterest such as looking around the room.
- Summarising what has been said to check your understanding.

Training courses and materials about active listening are widely available if you decide to include it in your learning and development activity.

If you use active listening skills remember that they may not be perceived in the same way by people from different cultural backgrounds to your own.

For example, in some cultures eye contact can be perceived as questioning authority. If you encounter issues like this you may need to explain your intentions and adapt your style of communication.

The role of firms in building trust

Our Code of Conduct for Firms [<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/>] requires all firms to:

- Maintain trust and act fairly.
- Provide a competent service to clients which takes account of their attributes, needs and circumstances.

- Make sure that solicitors keep their professional knowledge and skills up to date, in line with our approach to continuing competence.

To help meet these requirements firms can take reasonable steps to:

- Build an understanding of the attributes, needs and circumstances of their client base and the communities they serve.
- Improve and tailor the service they deliver to particular communities, as needed.
- Build trust with their client base and the communities they serve.

These steps could include:

- Community outreach work, such as talks and law clinics for local community groups.
- Offering and promoting specific services, such as translation services.
- Targeted marketing, for example, testimonials by clients from the group(s) in question.
- Educating communities about areas of law which they are less engaged in. For example, the Legal Services Consumer Panel has found that people from minority ethnic groups are less likely to have a will in place, especially those from a Black African and Pakistani background.
- Supporting their solicitors to identify and address learning and development needs in relation to providing services to clients from particular communities. For example, by including cultural competence requirements in the appraisal process, providing training on equality and diversity or intercultural communication, and encouraging community outreach work.
- Positive action initiatives to recruit solicitors and other employees from minority ethnic groups.

Adopting this approach can create business benefits. If firms and the solicitors they employ effectively build trust with the communities they serve then their reputation within those communities can improve and more people from those communities may use their services.

A case study on building trust

Bailey Wright & Co - where the underdog comes first

Background

Bailey Wright & Co. ('BWC') is a small firm, run by a sole practitioner and totalling five people. 80% of its income comes from legal aid. Although

BWC is small, it is ethnically diverse and committed to ensuring that all clients feel safe and supported. The firm's motto is 'where the underdog comes first'.

BWC recognises that many people from ethnic minorities seek to have their needs met within their communities where possible. They can also be intimidated by the idea of visiting a solicitor.

What BWC does – 'it's all about finding ways to reach out'

- Expects all staff to undertake work in the community.
- Writes pieces on relevant areas of law for publications that are likely to be read by particular communities.
- Provides legal advice at venues, such as community centres, frequented by ethnic minority groups. People feel encouraged to seek advice in places where they already feel comfortable. Having a lawyer who has shown consideration and respect to meet them on their own terms can give them confidence to attend the lawyer's offices in the future, if needed.
- Sends a team to community venues that reflects diversity within the firm – even if not the same ethnicity as the people at the venue. This can help build trust and could be used by larger firms as an opportunity to develop the skills of junior staff.
- Works with community leaders, including people who run religious or community centres, to develop a better understanding of the relevant culture and the issues that can affect potential clients. Community leaders have experience of a number of potential clients and can therefore explain patterns of issues experienced by them. They can also help describing the relevance of a particular culture in relation to an issue. If the client is referred by someone who they trust, then you are off to a good start.
- Forms links with community organisations or agencies that provide support to potential clients, who are likely to need legal advice in the areas of law that they cover.

Next steps

- BWC wants to continue to develop links with communities and identify challenges faced across ethnic minorities in particular areas of law and help address those challenges.
- BWC plans to work with local schools where there are ethnic minority pupils and will continue to refine its programme to teach children a basic understanding of the law and key legal issues. In doing so, it will build relationships with groups for parents or carers, and with those staff who work with them. This will help identify the type of legal support they might need and provide information accordingly.