

6 July 2021

By email

Section 34 Consultation,

Legal Services Regulatory Authority

(the "**Authority**")

publicconsultations@lsra.ie

Response to the Authority's Invitation for Written Submissions on Barriers for Early Career Solicitors and Barristers and Increasing Diversity (the "Consultation").

A Chara

We are writing to you as a group of solicitors and trainees with disabilities (and their allies). We are part of a steering committee in the process of establishing a disability network for the Irish legal sector (the "**Network**") (the exact title of the group is yet to be agreed).

By way of background, on 24 April 2021 the Law Society of Ireland facilitated a meeting of solicitors and trainee solicitors with disabilities (and their allies). After discussions, a decision was made to establish a network outside of the Law Society, to include anyone working in the Irish legal sector, in whatever capacity. However, owing to the way the group started, our steering committee (the "**Committee**") is currently made up primarily of solicitors and trainee solicitors.

We refer to the Authority's Letter dated 11 May 2021 inviting written submissions to the Consultation (the "**Letter**"). We note that the Minister for Justice has asked that the Authority pay particular attention to equity of access and entry into the legal professions, and the objective of achieving greater diversity within the professions. The Committee believe that it is important that persons with disabilities are represented within the legal professions. Article 13 of the UN Convention on the Rights of Persons with Disabilities requires States to ensure effective access to justice for persons with disabilities. Arguably this can be interpreted broadly to require persons with disabilities be represented in the legal professions

Our Submission

The Committee wishes to submit several recommendations in respect of the "other barriers" for early career solicitors referred to in the Letter. The implementation of such recommendations would be dependent on the full support and involvement of several key stakeholders including: The Law Society of Ireland; private professional services firms; public sector employers; and disability rights and advocacy groups. We have taken anecdotal testimony of the shared and individual experiences of Committee members with disabilities to collate them to form the basis of this submission. Please note that this submission is based on the views of the Committee members and does not necessarily reflect the views of our respective employers.

A. Lack of Awareness of Disability

One of the key barriers identified for solicitors and trainees within the profession is a lack of awareness or understanding of disabilities. This has two facets: (i) a general lack of awareness about different disabilities within the profession; and (ii) a lack of appreciation by colleagues and managers of the individual needs and accommodations required by a disabled person. We make two recommendations in respect of these issues, outlined below.

1. Mandatory Disability Awareness Training

According to the Disability Federation of Ireland 13.5% of the population of Ireland, or 643,131 people have at least one disability.¹ There are a wide range of disabilities. From our experience, many colleagues have a lack of awareness of disabilities. This is the case with visible disabilities and can be even more pronounced with invisible disabilities. In our view the lack of awareness of colleagues and managers about disabilities is a major barrier in the everyday working life of a solicitor or a trainee solicitor with a disability. In our view if solicitors and trainees were better educated on different types of disabilities, it would make the working life of those with disabilities within the profession easier.

We suggest addressing this barrier by requiring disability awareness training be part of every solicitor's annual continuing professional development (CPD) requirements. The annual 20 hours CPD requirement requires a minimum of 3 hours management and professional development skills and a minimum of 2 hours regulatory matters. We suggest it also include 1 hour minimum in a new category of diversity, equality, and disability (to include disability awareness training). Every trainee should also be required to complete diversity; equality; and disability awareness training in their Professional Practice Course, with a focus on working with colleagues with disabilities.

2. Reasonable Accommodation Passport

"*Reasonable accommodation*" is a legal requirement under Irish equality legislation. However, in practical terms a disabled trainee or solicitor may explain what they need to work effectively to HR (or their employer) at the start of their employment. When that person moves role (we view this as of particular significant for trainees in law firms) or there are new colleagues or managers hired, they have to explain to each new person they encounter what they need to accommodate their disability. This is a barrier to a person carrying out their job effectively and getting good quality work.

The Irish Business and Employers Confederation (IBEC) and the Irish Congress of Trade Unions (ICTU) launched a "*reasonable accommodation passport*" scheme (the "**Passport**") in 2019 which is optional for employers to adopt. Such a "passport" would follow a disabled person within an organisation.² There is a lack of statistics and research in Ireland on the experiences of disabled people within the legal professions. Research commissioned by the Lawyers with Disabilities Division Committee (Law Society of England and Wales) (the "**UK Research**") recommended the introduction of a similar disability passport scheme.³ We recommend employers in the legal sector be encouraged to adopt the Passport. As trainees constantly rotate departments or teams within a firm or organisation (or even between firms) during their training period, the issues the Passport seek to address are particularly acute for them, creating a barrier as they enter the profession. Accordingly, we recommend that it be made mandatory that the Passport (or a form of disability passport tailored to the profession) be made mandatory

¹ <https://www.disability-federation.ie/publications/dfi-infographic-ireland/>

² <https://www.ictu.ie/bdc19/news/2019/12/03/workplace-passport-scheme-announced-by-ictu-and-ib/>

³ <http://legallydisabled.com/wp-content/uploads/2020/01/Cardiff-uni-Legally-Disabled-Executive-Summary-A4-FINAL.pdf>

where a trainee solicitor, a new employee or an existing employee who acquires a disability discloses a disability to their employer.

B. Lack of Practical Support

Another barrier for disabled trainees and solicitors is not having a designated person in their employer's business to liaise with in relation to their reasonable accommodation needs in (i) the workplace; and (ii) in Blackhall Place.

3. Disability Liaison Officer/Access Point (Workplace)

A disability liaison officer would be someone to liaise within the organisation to deal with practical arrangements and managing the changing needs of a disabled employee. This is recommended in the guidance of the Law Society of England and Wales resulting from the UK research.⁴ We recommend that all law firms (apart from sole practitioners) be required to designate a 'disability liaison officer'. From our experience a person may be appointed to this role with no experience of disability. Accordingly, we further recommend that this role require training on disabilities to meaningfully engage with the disabled employee, but this role does not necessarily have to be fulfilled by a member of the HR team.

4. Educational Supports & Training

In our experience, many of the materials produced by the Law Society as part of training are not fully accessible and there can be a breakdown of communication between course co-ordinators and tutors leading to a breakdown in the accommodation provided to the trainee. This is a major barrier to learning and progression within the profession. Similarly, Blackhall Place and the physical environment should be fully accessible to wheelchair users and those with mobility aids. The reasonable accommodation needs of trainees and solicitors should be met during the course of their training and further professional development, respectively. This includes proper access to lecture materials; online resources; and suitably informed personnel. Tutors and lecturers should be made aware of members' reasonable accommodation needs and should be provided with the necessary training around disability awareness. We request that a designated 'disability liaison officer' be appointed to the Law Society of Ireland for PPCI, PPCII and the Diploma Centre. This should be a meaningful role. We also request that educators at the Law Society (whether lectures or tutors) be required to undergo specific, targeted training related to working with those with disabilities.

C. Other Barriers

5. Wheelchair Access

Access to and within Blackhall Place and employer buildings is a clear barrier for solicitors and trainees who are wheelchair users. Members raised a number of issues relating to the physical environment including wheelchair accessible bathrooms, automatic doors and ramps for access.

Article 13 of the UN Convention on the Rights of Persons with Disabilities requires states to enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties **shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment**, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in

⁴<https://www.lawsociety.org.uk/en/topics/lawyers-with-disabilities/easy-wins-and-action-points-for-disability-inclusion>

rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and **workplaces**.

Accordingly, as part of our submission, we request a full review of the current requirements of Part M of the Building Regulations 2010. This should be conducted with a view to considering any proposals set out by the National Disability Authority Centre of Excellence for Universal Design. Compliance with Part M is merely compliance with the current absolute minimum standard which is outdated. We endorse adopting a universal design approach to accessibility.

6. Culture of Work

Law Firms are one of the sectors that have been slow to adopt remote or flexible working policies. There is also a work culture of long hours in the office. This has been a barrier for some disabled people, where remote or flexible working is a reasonable accommodation that prior to the Covid-19 pandemic was not encouraged. Where flexible or remote working is not widely accepted, disabled people that work remotely or flexibly (as part of an adjustment) can have difficulty getting quality work and it may impact their promotion prospects and sense of self-worth. Remote working has obviously been widely adopted by the profession during the pandemic. This has been a breakthrough for many with disabilities. In the UK, research found that the vast majority of disabled solicitors wanted to continue working from home after the pandemic.⁵ We endorse the National Remote Work Strategy and recommend that any regulation of the legal sector in the future be mindful of the positive impact of remote/flexible working on those with disabilities and indeed all employees if they chose to do so. The pandemic has highlighted the benefits of remote working for those with disabilities, but it should not detract from ensuring workplaces are accessible and inclusive for those with disabilities, as for all workers.

7. No Support Network

The Solicitors Regulation Authority in the UK has found that just 3% percent of solicitors declare they have a disability, compared to 13% of the UK workforce overall.⁶ The Lawyers with Disabilities Division Committee (UK) has been in existence for over 30 years and has the support and funding of the Law Society of England and Wales.⁷ We recognised the gap in Ireland, and this is one of the reasons we are seeking to establish the Network. The Committee has agreed that the initial objectives of our Network are to:

- 1) achieve visibility and promote awareness and understanding and combat stigmas and discrimination of the disabled community within the legal sector;
- 2) allow disabled persons to make connections and build professional networks; and
- 3) promote and develop the accessibility of Ireland's legal sector and professions as a recognised destination of choice for those with disabilities.

We ask that the Authority and the Minister support us in whatever way possible.

Conclusion

The introduction of the above recommendations would represent a welcome milestone for disabled people in the solicitor's profession who have been consistently held back by barriers in education, training, and the working environment. It would also be a positive statement for other employers to follow. Our members experiences highlight that negative perceptions and attitudes unfortunately still exist towards people with disabilities in Ireland and in the

⁵ <https://www.lawgazette.co.uk/news/vast-majority-of-disabled-solicitors-want-to-continue-working-from-home-/5106235.article>

⁶ <https://www.sra.org.uk/sra/news/events/on-demand-events/disability-creating-an-inclusive-workplace>

⁷ <https://www.lawsociety.org.uk/topics/lawyers-with-disabilities/about-the-lawyers-with-disabilities-division>

legal profession. People with disabilities should be welcomed and encouraged in any workplace and regarded as valuable employees. Should you wish to discuss any of our proposals let us know.

Yours faithfully

The Committee

Aisling Glynn, *Solicitor, McMahon Williams*

Annette Costello, *Retired Company Secretary.*

Caoimhe Grogan, *Trainee Solicitor, A & L Goodbody*

Davinia Brennan, *Solicitor, A & L Goodbody*

Elaine Cahill, *Solicitor, Competition and Consumer Protection Commission*

Jane Barrett, *Solicitor, William Fry*

Jordie Sattar, *Trainee Solicitor, William Fry*