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GUIDELINES NEEDED TO HELP LAWYERS PROVIDE A BETTER SERVICE TO PEOPLE WITH LEARNING DISABILITIES

A lack of experience in dealing with people with learning disabilities means lawyers often struggle to provide this vulnerable client group with the specialist support they need, according to new research published today.

The research was undertaken by the Norah Fry Research Centre, based at the University of Bristol, on behalf of the **Legal Services Board**, the **Legal Services Consumer Panel** and the learning disability charity **Mencap**.

Alongside publication of this research the Legal Services Board has written to the legal sector's professional bodies asking them to consider developing guidelines for all lawyers, which would help them better understand the support and communication needs of people with a learning disability.

This research is the result of a number of focus groups involving a total of 90 people with learning disabilities and interviews with 26 family carers and 9 legal services professionals.

The key findings of the research include:

- People with learning disabilities have a wide range of potential legal needs. Common issues include parents with learning disabilities fighting to keep care of their children, discrimination in the workplace, disputed benefit claims, and experiencing bullying and hate crime
- People with learning disabilities are unclear how legal services could help them and rely on people close to them for support. Family carers mostly rely on the internet, learning disability charities and support groups for help rather than go to a lawyer, which is seen as a last resort measure
- There is difficulty finding specialist advice and people worry that legal aid changes and funding cuts to Citizens Advice Bureaux could make this worse
- A lack of accessible advice and information is preventing people with learning disabilities from dealing with legal issues effectively. The research highlighted the positive effects of getting the right legal advice: relief, improved quality of life and a sense of empowerment
- Some lawyers are skilled in working with people with learning disabilities and adapt their practices to meet the needs of their clients. However, there were also examples where lawyers could not be understood, appeared uninterested or were not able to signpost clients to the right specialist support

The Legal Services Board has also incorporated a British Standard (BS18477) relating to vulnerable clients into its policy toolkit and is writing to the approved regulators to invite them to demonstrate how they have incorporated the standard into their work. Last year the Legal Services Consumer Panel wrote to the LSB and a range of organisations in the sector urging them to adopt the Standard.

Mencap will develop 'easy read' materials on choosing legal services designed to support people with learning disabilities.

An easy read summary report and a short video explaining the research have also been produced to accompany and support this report.

Chris Kenny, Chief Executive of the **Legal Services Board**, said:

"People with learning disabilities often need access to justice more than other people, but often have far more difficulty in accessing services.

This research shows that a range of good practice exists, but that too often lawyers are uncertain how to communicate with people with learning disabilities and lack the knowledge themselves of where to get specialist support.

So there is a real opportunity for professional and third sector bodies to work together to redress this gap by producing practical guidance to help bring all services up to the level of the best."

Jan Tregelles, Chief Executive of **Mencap**, said:

"The research shows that further guidance for lawyers on how to best communicate with and support clients with a learning disability would be incredibly helpful for both parties.

This is especially important given the difficulty families face in getting specialist advice and the concerns they expressed about changes to legal aid and funding cuts for Citizens Advice Bureaux."

Elisabeth Davies, Chair of the **Legal Services Consumer Panel**, said:

"In the face of changes to legal aid and declining funding for Law Centres and Citizens Advice Bureaux, this report shows the really positive difference that high quality legal services can make to people with learning disabilities.

It also reveals some of the challenges facing lawyers who lack experience dealing with this client group. We would like to see the professional bodies support lawyers and consumers alike by developing guidance on the simple things they can do better to serve people with learning disabilities."

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[For more information please contact:](#)

Steve Brooker, **Legal Services Consumer Panel** Manager, on 020 7271 0077

Julie Myers, Corporate Director, **Legal Services Board**, on 020 7271 0059

Claire Monger, PR Officer, **Mencap**, on 020 7696 5414

Notes to editors

1. The report: **What happens when people with learning disabilities need advice about the law?** can be accessed on the Legal Services Consumer Panel website [here](#).
2. An easy read summary of the research can be found on the LSB's research website [here](#).
3. A short video summarising the research can be found on Mencap's website [here](#).
4. The LSB's letters to the professional bodies and the approved regulators can also be found on its [website](#).
5. The Consumer Panel's May 2012 news release on BS18477 can be found [here](#).
6. Mencap defines a learning disability as "*a reduced intellectual ability and difficulty with everyday activities – for example household tasks, socialising or managing money – which affects someone for their whole life*".
7. The [Legal Services Board](#) is the independent body established by the *Legal Services Act 2007* to oversee the reform and modernisation of the legal services market place by putting the interests of consumers at the heart of the system.
8. The [Legal Services Consumer Panel](#) was established under the Legal Services Act 2007 to provide independent advice to the Legal Services Board about the interests of consumers of legal services in England and Wales. We investigate issues that affect consumers and use this information to influence decisions about the regulation of legal services.
9. [Mencap](#) supports people with a learning disability in the UK and their families and carers. They aim to change laws and improve services and access to education, employment and leisure facilities, supporting thousands of people with a learning disability to live their lives the way they want. Mencap is also one of the largest providers of services, information and advice for people with a learning disability across England, Northern Ireland and Wales.
10. The [Norah Fry Research Centre](#) produced this report on behalf of the above named organisations. The Centre was established in 1988, and 2013 will mark 25 years of continuous research activity. Its principal interests are in the area of social, educational and policy-related research.

Quotes from participants

Case studies cannot be provided, but the following quotes extracted from the report help to give a flavour of the findings:

Finding a solicitor

“They wanted me to sign forms so I felt at that time I needed a solicitor, so, I had no support, so I sort of walked to [local town] to try and find a solicitor that would help me. Eventually found one, but they weren’t very good really so I ended up changing to other solicitors.”

Vulnerable when under arrest

“You might also need a solicitor if you can’t get a police man cos if you’re like in a police station... there was an incident a long time ago... I was taken away... I didn’t do anything, but I got accused of taking money and I had a very bad experience because I got taken to a police station and I got strip searched and I had to stay in a cell... me social worker had to come in because [adoptive parents] had gone on holiday and I was left by myself... yeah there was a solicitor as well because what had happened was the girl who accused me came forward and said I didn’t do anything... he [solicitor] just asked me questions and stuff but I didn’t really understand till me social worker had to explain it him that I were a lady with a learning disability... I was scared and I needed someone... it was just me.”

A victim of hate crime

“Somebody stayed at my house and after a while they started to get violent... yeah to me so I had to call the police and I had to call [housing association] to come and help me to get them removed, and that was really hard for me because he just would not budge and I tried it myself so I was so glad to get the law involved and the police.”

The important role of advocacy groups

“I’ve got an advocate... they help yer speak out for yourself and obviously I mean if you’ve got any problems you can go to yer advocate and tell em about the problem yer going through.”

“They are not quite ‘legal’... they are an advocacy organisation, but they would know where to go to, they would sign post you...use an advocacy organisation to help you, if my PA’s not about this would be the next port of call.”

Pleased to find a specialist local solicitor

“We went to a solicitor [company name]... big in [local town] and they had a lady there who dealt with learning difficulty and disability... and I was so, you know, really pleased about that - I couldn’t believe it.”

"I explained I couldn't read, couldn't read big words and they put everything down...into easy read for me... the lady does all my paperwork for me."

Solicitors need training to help them deal with people with learning disabilities

"For a start they need a lot of training for people with learning difficulties and disability, not to be rude and arrogant and just sort of pass you to one side. No jargon words and have patience."

"Solicitors are a bit like doctors, they have so much time allotted to a client and they have quite a lot of clients and all I am saying is where they would normally give somebody say half an hour to three quarters of an hour they should give us an hour because sometimes it's very hard for us, we stammer over some of the words that we want to say, some of the words don't come out the way we want them to come out, and I think if they gave us just that little bit more time we would eventually be able to say what we want to say without having to rely on our support."

Jargon getting in the way of effective communication

"They use a lot of technical jargon... which I hate, therefore we have to teach the lawyers to use proper language."

"He more or less he explained a lot of it to me without some of the jargon that you would get with most. Some solicitors they go through all this jargon and you think 'what are they on about' you know and he did explain a lot of it to me as well."