

Deaf consumers

Practical difficulties in accessing legal services

It is estimated that 800,000 people in the UK are severely or profoundly deaf, and up to 9 million have measurable hearing loss.

Research by the Legal Services Consumer Panel, Action on Hearing Loss and the Solicitors Regulation Authority has found people with hearing loss often feel like they are in a battle to be understood by their legal advisor and as a result can be vulnerable to being mistreated.

- Legal materials are not always well-adapted for the needs of deaf and hard of hearing people
- A lack of preparation and consideration of communication needs can lead to people with hearing loss being made to feel dependent and even ignorant by their own legal team
- Choice of suitable legal advisors for people with hearing loss is often limited due to low awareness of options or feeling rebuffed due to their needs;
- People with hearing loss may not feel confident their legal advisor is fully on their side or working closely enough with them because they demonstrate low “deaf awareness”
- Communication barriers, such as badly maintained loop systems or even poorly-lit meeting rooms can mean people who are deaf or hard of hearing can struggle to know what is going on
- Sign language interpreters are not always being supplied by lawyers when requested, and there is confusion on both sides over who should pick up the costs

Definitions

Deaf: A term most likely to be applied to those with a serious hearing loss from an early age. British Sign Language likely to be used, and can be considered a cultural and language minority group. Deaf people may have difficulties with speech.

Deafened: People who acquire significant hearing loss later in life. This group is likely to remain ‘culturally hearing’ and be able to speak, read, and have auditory memory. This may also be referred to as Acquired Profound Hearing Loss (APHL).

Hard of hearing: People who have a measurable hearing loss. This may have happened at an early age or over time. More likely to have had similar experiences to the rest of the population, and they are likely to be able to speak, read and write when in a legal setting. Difficulties are more likely to come from lack of adjustments by others.

British Sign Language (BSL): A non-spoken language, with a different structure to English. Articulated using the hands, face, head, shoulders and body. Legal use of BSL has not evolved: Single sign-for-word translations may not exist and concepts expressed in BSL or in English may need to be fully interpreted rather than simply transliterated.



Key statistics

More than 800,000 UK people are severely or profoundly deaf

Up to 9 million people have measurable hearing loss

50% of young people with profound hearing loss are unable to read

There are no reliable current figures on the use of BSL. However, for the first time a question about sign language was included in the 2011 census

Useful resources

The Law Society has produced a Guidance Note for solicitors - <http://www.lawsociety.org.uk/advice/practice-notes/providing-services-to-deaf-and-hard-of-hearing-people/>

Deaf Studies Trust research report commissioned by the Legal Services Consumer Panel, Action on Hearing Loss and the Solicitors Regulation Authority - http://www.legalservicesconsumerpanel.org.uk/publications/research_and_reports/documents/Legal%20Choixes%20Silent%20Process%20.pdf

Common sense things that advisors can do to improve services for deaf people

The Law Society's guidance note includes these tips:

- Before meeting a prospective client, identify any specific equipment or support needed to help communication during the meeting
- Types of help required may include:
 - A BSL/English interpreter
 - A speech to text reporter or palantypist
 - A lipspeaker
 - A notetaker
 - Equipment, such as loop systems
- Make sure the meeting room is well-lit and has a minimum of background noise
- Switch on and test loop systems in advance
- Alert reception staff before the client arrives
- Speak clearly using plain English, at a moderate pace and maintain good eye contact
- Allow extra time in the meeting to make sure things are not rushed and the client has been able to make themselves understood

If legal services will be funded via legal aid, the Legal Services Commission covers reasonable costs of providing support.

If legal services are being funded privately you should identify estimated costs for the support or equipment, and if your firm is unable to absorb all of these you should inform the person of the likely costs up front. In doing this, you must consider the requirements of the Equality Act 2010 and your code of conduct, in particular legal obligations to make reasonable adjustments for disabled clients.