



GSD Member Survey, 2003 Report on Responses to Questionnaire

Disabled People's Views on the Solicitors' Profession

1. This report gives the results of the survey of GSD members held between December 2002 and February 2003, so far as it deal with members' views of and experiences in the solicitors' profession. The report is in 2 sections as follows:-

- I Information about the survey itself and the size and makeup of the response.
- II GSD members' views about the solicitors' profession

2. The survey also asked for views about the GSD itself and its activities. Those responses are covered by a separate report.

I. The Survey and Response

3. Survey forms were sent to everyone on the GSD mailing list shortly before Christmas 2002 (about 200). A follow-up letter was sent to those people who did not respond. This report includes replies received up to the end of 7th March 2003.

4. A total of 80 questionnaires were returned completed. In the circumstances, this is considered a good response. Of these, 70 respondents said they were disabled. This is more than twice the size of the sample interviewed for the purposes of research commissioned by the Law Society in 2002. To date, the results of that research have not been published.

5. Respondents were asked to give some basic information about themselves and their work. The breakdown of the 70 respondents who said they were disabled is as follows. Some people did not answer some questions.

6.	<u>Gender</u>	<u>No.</u>	<u>%</u>
	Male	55	64
	Female	25	36

7. Respondents were asked if they were “in work” For this purpose, they were asked to treat work as including work under a training contract and full time study. They were asked to answer “No” if they were retired, looking for work or a training contract or on long term sick leave.

8.	<u>Whether in work</u>	<u>No.</u>	<u>%</u>
	In work	46	66
	Not in work	24	34

9.	<u>Current progress of career</u>	<u>No.</u>	<u>%</u>
	Student	6	9
	Trainee	7	10.5
	Solicitor working in the profession	31	46
	Retired solicitor: see note (a)	10	15
	Working outside the traditional profession: see note (b)	6	9
	Other	<u>7</u>	<u>10.5</u>
	Total	<u>67</u>	<u>100</u>

Note (a): “retired” includes retirement at normal age and on health grounds

Note (b): Includes careers involving the law such as law lecturer

10.	<u>Date of Qualification</u>	<u>No.</u>	<u>%</u>
	Before 1981	15	22
	1981 to 1995	20	30
	1996 or later	16	24
	Not yet admitted	<u>16</u>	<u>24</u>
	Total	<u>67</u>	<u>100</u>

11. Area of profession where spent (or expect to spend) most of career

<u>All Disabled Respondents</u>	<u>No.</u>	<u>%</u>
Small firm (fewer than 10 partners)	29	43
Large firm (10 or more partner)	15	22
Commerce or Industry	2	3
Local or central government	14	21
Voluntary sector	3	4
Other	5	7
Total	68	100

12. Disabled respondents in work as a solicitor

<u>Disabled respondents in work as a solicitor</u>	<u>No.</u>	<u>%</u>
Small firm (fewer than 10 partners)	14	54
Large firm (10 or more partner)	3	11
Commerce or Industry	1	4
Local or central government	7	27
Voluntary sector	1	4
Total	26	100

13. These breakdowns suggest a good spread of experience. We believe the sample was reasonably representative of GSD members who are active in the profession. We can not say whether the GSD membership is representative of disabled people as a whole in the profession. The Law Society does not currently hold information on whether solicitors consider themselves to be disabled. We understand they are currently conducting an exercise to collect it.

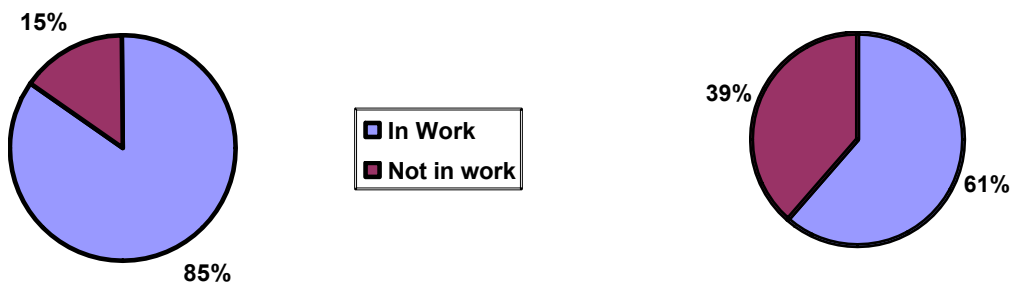
14. A further question asked respondents to say if they believed that, without adjustments, their disability affected work as a solicitor. We believe this is an important distinction since the definition of "disabled" in the Disability Discrimination Act does not require that the person's impairment affects activities at work. It is difficult to see how discrimination against a disabled person whose disability did not affect the job concerned should ever be justifiable. On the other hand, it may not always be possible for the disabled person to say in advance what skills are needed in a job so it may be impossible to say whether the impairment affects them without some discussion with the employer.

15. The responses from the 70 people who considered themselves to be disabled were as follows.

	No.	%
Disability affects work	57	81
Disability does not affect work	13	19

16. It would be reasonable to expect that people whose disability did not affect their work would find it easier to find employment. We made a further analysis to see if this was so. The figures were broken down to see whether the respondents were in fact in work produced the following result.

	In work	Not in work	Total	% in work
Disability affects work	35	22	57	61
Does not affect work	11	2	13	85



Disability does not Affect Work

Disability Affects work

17. The question had asked respondents to reply on the basis that no adjustments had been made. Provision for the person’s individual needs, whether as a matter of good business practice or as an adjustment under the Disability Discrimination Act 1995, should reduce or eliminate the effects of the impairment.

18. The overall rates of employment shown may be affected by the fact that we expect disabled people who find it impossible to get a job will in due course leave the profession – and the GSD mailing list.

II GSD Members' views on the Solicitors' Profession

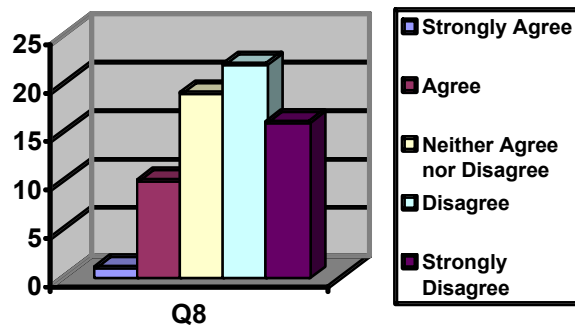
19. Respondents were asked a series of questions about their experience (or expectations) of the solicitors' profession. The survey asked for responses to various propositions from "agree strongly" to "disagree strongly".

20. In the tables and charts below, the figures given are for actual numbers of responses.

21. Question 8

The profession has a positive and constructive approach to people with disabilities.

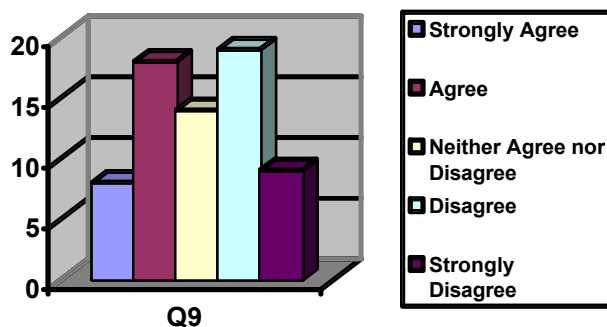
Strongly agree	1
Agree	10
Neither agree nor disagree	19
Disagree	22
Strongly disagree	16



22. Question 9

People with disabilities are well advised to conceal the disability if they can.

Strongly agree	8
Agree	18
Neither agree nor disagree	14
Disagree	19
Strongly disagree	9



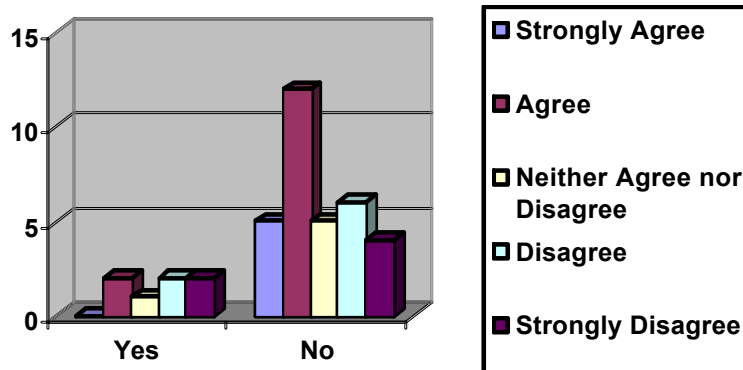
23. All respondents were invited to answer this question, although for many the option of concealing the disability may not be practical. The interesting pattern of responses suggests members have strong views – but that the views differ. This reflects the experience of discussion in the Group. There are obvious benefits in

disclosing the disability. An employer can hardly be expected to take account of a disability he or she does not know about. The only known explanation for the desire to hide the disability is fear of prejudice and discrimination.

24. We attempted various further ways of analysing the responses to this question (e.g. to see if students and trainees had a markedly different view from admitted solicitors). The split in views remained. The tables below show the analysis for those people who thought they knew of cases of discrimination and gave views whether those cases had been resolved satisfactorily (see paragraphs 52 to 56 below). The pattern for those who thought cases were not resolved satisfactorily may suggest a cause and justify further research.

Analysis of Q9 responses for people who claimed to be aware of discrimination cases and whether they were satisfactorily resolved (“Yes”) or not (“No”)

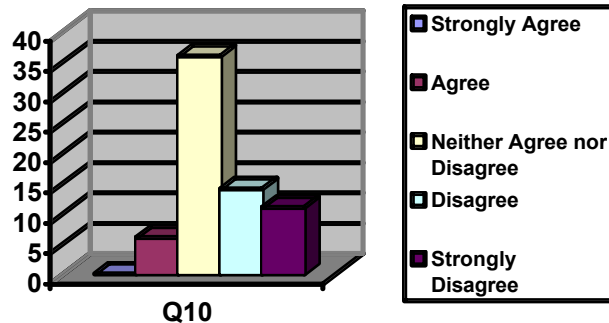
<u>Response to Q.9</u>	<u>Resolved Satisfactorily (“Yes”)</u>	<u>Not Resolved Satisfactorily (“No”)</u>
Strongly agree	0	5
Agree	2	12
Neither agree nor disagree	1	5
Disagree	2	6
Strongly disagree	2	4
(no answer)	0	1
Total	7	33



25. Question 10

Personnel management practices in the solicitors' profession are better than those in other professions and comparable occupations.

Strongly agree	0
Agree	6
Neither agree nor disagree	36
Disagree	14
Strongly disagree	11



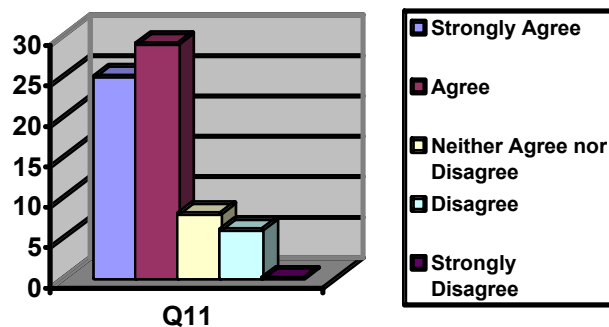
26. We were not surprised that many people were non-committal in their responses to this proposition. A firm view either way implies some knowledge of other professions and comparable occupations. One or two respondents added notes to their answers saying they were not answering because they did not know about other professions. We take this as a sign that respondents did read the propositions carefully and thought before answering.

27. The balance of responses remains unfavourable and this is consistent with the view sometimes expressed that solicitors are not strong in personnel management skills. There is a view in the Group that much discrimination is the result of poor personnel management rather than conscious prejudice.

28. Question 11

People with disabilities have to be a lot better than the competition to be successful in a job interview.

Strongly agree	25
Agree	29
Neither agree nor disagree	8
Disagree	6
Strongly disagree	0



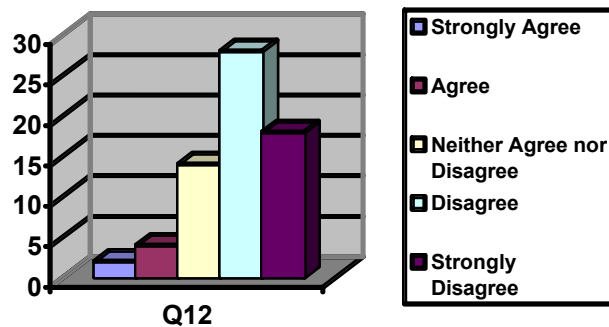
29. This is a very strong response. We suspect surveys of other under-represented groups would show similar perceptions.

30. If GSD members' perception is justified, it means law firms and other employers are failing to select the best available talent by failing to appoint disabled people unless the disabled person is much better than any competitor. That is unlikely to be the case with a popular or well-paid job. More research into appointments procedures would seem justified.

31. Question 12

It would not damage my career in the solicitors' profession that I had taken a case under the DDA against a solicitor employer

Strongly agree	3
Agree	4
Neither agree nor disagree	14
Disagree	28
Strongly disagree	18



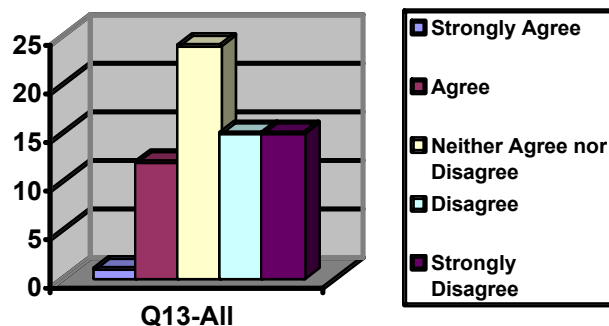
32. This is another strong response. If respondents were satisfied the law and professional rules on victimisation would be applied, then strong agreement with this proposition would be expected. The actual result appears to justify the conclusion that disabled people expect victimisation to be normal.

33. Question 13

Training providers usually provide well for the needs of students with disabilities.

All Disabled Respondents

Strongly agree	1
Agree	12
Neither agree nor disagree	24
Disagree	15
Strongly disagree	15

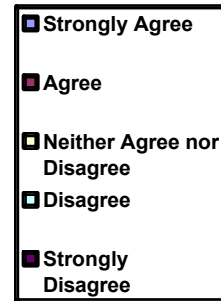
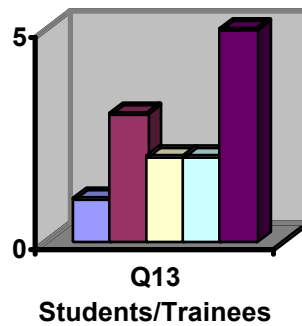


34. Student days are distant memories for some solicitors and times may have changed. We therefore carried out a separate analysis of the responses on

Question 13 limited to those who were students or trainees. The results were as follows.

Students and Trainees only

Strongly agree	1
Agree	3
Neither agree nor disagree	2
Disagree	2
Strongly disagree	5

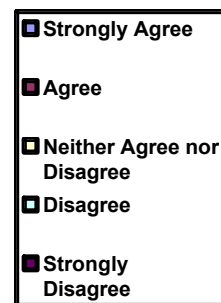
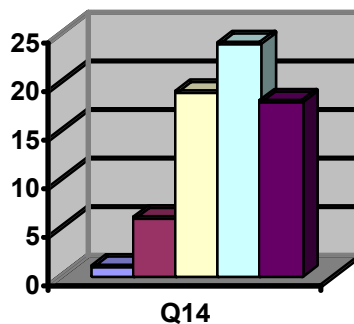


35. It seems reasonable that the main difference is that people with current or recent experience of training providers were less likely to have no opinions either way. Given the relatively small numbers involved, it is not clear whether other conclusions can be drawn, but the experience of current students and trainees appears a little more positive than for all respondents.

36. Question 14

Solicitors with disabilities have the same chance of becoming partners or reaching senior positions as solicitors without disabilities.

Strongly agree	1
Agree	6
Neither agree nor disagree	19
Disagree	24
Strongly disagree	18

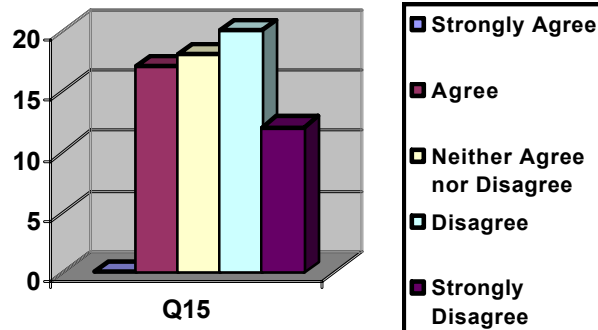


37. This question related to a similar phenomenon as question 11 but applied at a later stage of most people's career. The proposition was also worded differently to provide a check respondents were reading and understanding the proposition. It is not surprising that solicitors do read papers and understand them and that the results appear to be a fair "mirror image" of the response to Question 11.

38. Question 15

It is easy to find practical advice on discrimination law.

Strongly agree	0
Agree	17
Neither agree nor disagree	18
Disagree	20
Strongly disagree	12

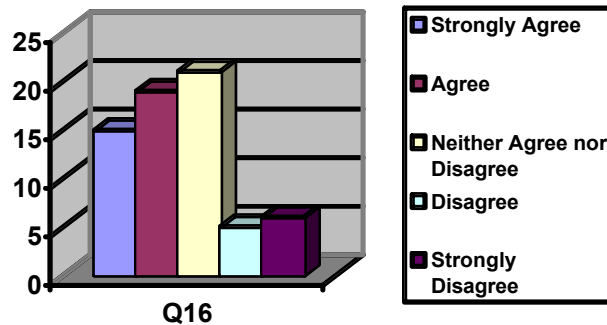


39. This is a result that should cause concern for the legal profession and those responsible for ensuring advice is available – e.g. the Disability Rights Commission. The GSD has reports the DRC is “overwhelmed” with cases. The GSD also recognises that cases involving the employment of solicitors or other professional people are likely to be complex. Good quality advice may require a lot of time - with inevitable implications for cost. Anecdotal evidence from members is that advice is often to the effect that even where there is manifest discriminatory behaviour it will be difficult to prove loss other than for “upset” and/or that litigation should be avoided because the stress may harm the health of the complainant who has already suffered enough. Advice of that sort may be accurate and practical, if unwelcome.

40. Question 16

Discrimination is widespread in the solicitors' profession.

Strongly agree	15
Agree	19
Neither agree nor disagree	21
Disagree	5
Strongly disagree	6

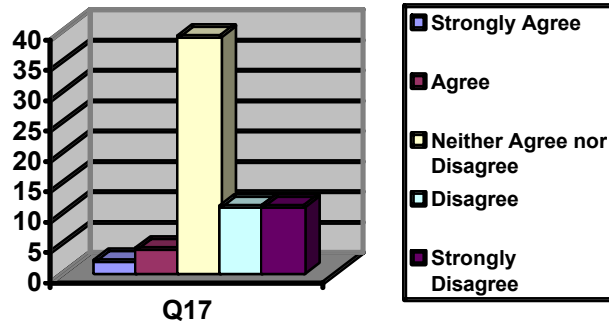


41. This seems to support a view that disabled people believe discrimination is widespread.

42. Question 17

The Law Society deals with discrimination effectively.

Strongly agree	2
Agree	4
Neither agree nor disagree	39
Disagree	11
Strongly disagree	11



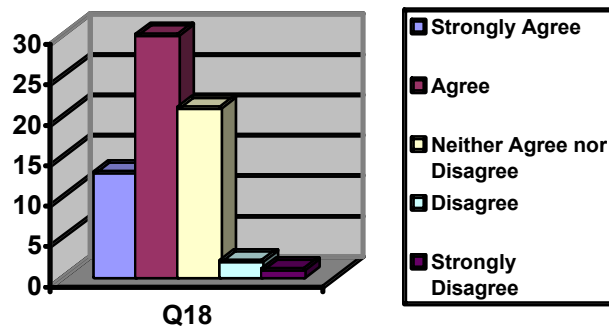
43. The large number without a firm opinion either way may reflect lack of experience of taking a complaint to the Law Society or of seeking Law Society help. If so, this is not because the respondents had no personal experience of discrimination in the profession: see paragraphs 52 to 56 below. The balance of opinion among those who had a firm view is, again, negative.

44. It is interesting to compare this and other answers in the survey with Law Society figures for the number of cases taken under its Anti-Discrimination Rule (which covers all sorts of unjust discrimination and not just that related to disability).

45. Question 18

Work as a solicitor is more stressful now than in the past.

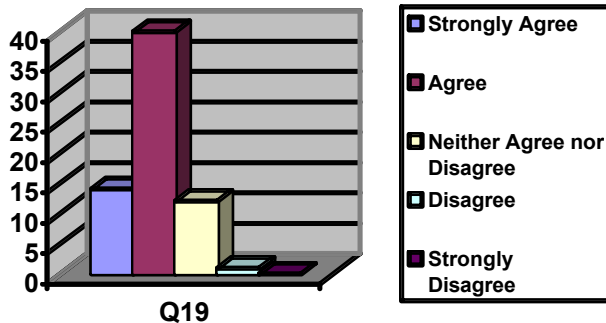
Strongly agree	13
Agree	30
Neither agree nor disagree	21
Disagree	2
Strongly disagree	1



46. Question 19

Law firms and other employers of solicitors could do more to reduce stress at work

Strongly agree	14
Agree	40
Neither agree nor disagree	12
Disagree	1
Strongly disagree	0

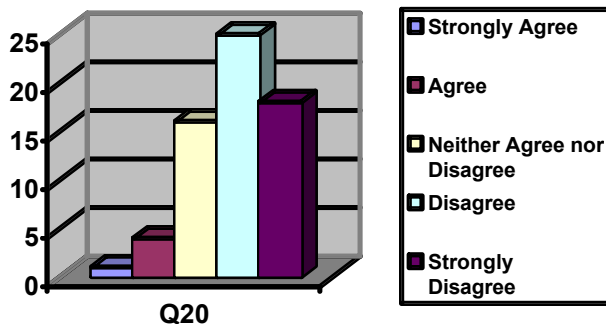


47. Stress at work is a large and complex problem, by no means limited to people with disabilities – or to the legal profession. The GSD believes stress at work will have different and added impact on people already coping with a physical or mental impairment. The GSD would be pleased to know of any reliable research on this subject.

48. Question 20

It might harm my situation at work if my employer knew I was a member of the GSD

Strongly agree	1
Agree	4
Neither agree nor disagree	16
Disagree	25
Strongly disagree	18

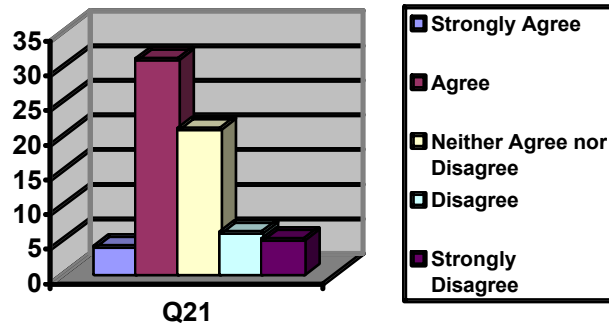


49. This looks like good news for the GSD. On the other hand, it can be argued the response is only from current members. Those who fear it might affect their careers are less likely to have joined. This report does not generally deal with the responses to questions relating to the GSD’s own activities but it may be interesting to mention that out of a list of suggested activities, “publish a list of members” was the least popular.

50. Question 21

In the future, it will be easier for people with disabilities to make careers as solicitors than it was in the past.

Strongly agree	4
Agree	31
Neither agree nor disagree	21
Disagree	6
Strongly disagree	5



51. Separate analyses were performed for students and trainees and for solicitors. Optimism appears to run across all groups.

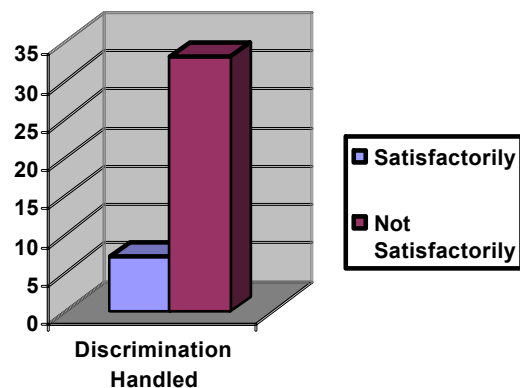
Experience of Discrimination

52. In further questions, respondents were asked about their experience of discrimination in the solicitors' profession.

53. Of 70 disabled respondents, 40 (57%) believed they had themselves been subject to discrimination and 25 (36%) knew someone else who they believed had been subject to discrimination. Since 21 people responded positively to both questions, the total who believed they were aware of discrimination (towards themselves or someone else) was 44 (63%).

54. Those who had said they were aware of discrimination were asked if they believed the incident was (or incidents were) resolved satisfactorily. Of the 44 who believed they were aware of cases of discrimination, 40 replied. The replies were:-

	No.	%
Cases resolved satisfactorily	7	18
Cases not resolved satisfactorily	33	82
Total	40	100



55. The survey offered no definition of what was a “satisfactory” outcome. This was a matter of the respondent’s own opinion. One respondent added a note that a “satisfactory” outcome often meant closure.

56. Members’ personal stories suggest a discrimination case often ends with the disabled solicitor (or student or trainee) leaving the profession (or abandoning their attempt to join it). In due course, such people are likely also to leave the GSD.
