

Making the law work for young Deaf people



Together with Deaf People; creating a better future



Royal Association for Deaf people



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Foreword from the Law Centres Network

The Law Centres Network's Young People's Programme works to enable more young people to access legal services. After in depth consultation with young Deaf people it was apparent that they needed, and wanted, targeted advice for the legal problems they were facing. We hope that through this project more young Deaf people are able to effectively resolve their legal issues and receive the support they need in doing so.



Introduction

RAD Deaf Law Centre (RAD DLC) was established in September 2010 and accepted as a full member of the Law Centres Network in November 2010. It was the establishment of this Law Centre that required a shift in focus for RAD's Legal Services department, which became RAD Deaf Law Centre from 1 April 2012 onwards.

Our Vision:

Making the law work for Deaf people

Our Mission:

Working together to ensure justice and equal access to the law and legal services through advice, representation, education and training

It operates on a national level providing a range of legal advice services and is currently developing training courses for the Deaf community, legal professionals and professionals working with Deaf people across England, Wales and Scotland, and have offices based in Newport (South Wales) and London. RAD

DLC also regulate the Deaf Law Quality Mark for law firms, Law Centres and other legal services.

RAD aims to promote equality for Deaf people through the provision of accessible services, and as part of RAD's mission; RAD DLC has formulated its own vision, mission and values in order to create a better future for Deaf people.

Methodology

RAD DLC was commissioned to develop a report entitled “Making the law work for young Deaf people” by the Law Centres Network in order to improve young Deaf people’s access to advice from Law Centres.

It was agreed that this would require an identification of:

- the kinds of legal issues young d/Deaf/hard of hearing people face;
- whether they are aware of their rights and any services they can access;
- whether their parents/carers/ other professionals know about young Deaf people’s rights;
- whether they know that there are services that can support them and if there are any good models;
- ideas of how to move forward to improve access to advice for young Deaf people; and
- the impact of advice on young Deaf people and how services can ensure the best outcomes.

RAD DLC recruited a Researcher to carry out an analysis of their case management system and find out more about the cases of the young Deaf people on the database, how they were referred to RAD and any other information the researcher could gather. This information was then to be broken down by age and matter type and include any client feedback and case outcomes.

The Researcher engaged in a consultation exercise with 6 young Deaf people at two forums at Green Lanes Deaf Youth Club on 15 May 2012 and Chelmsford Deaf Youth Club on 12 May 2012. The aim of these forums was to glean young Deaf people’s current understanding and experiences of the legal system.

The Project Manager also created an accessible online survey. This explored Deaf young people’s views on existing RAD DLC promotional materials to establish exactly what they would require in order to access promotional materials about legal advice services.

The Project Manager delivered equality awareness training to 14 members of Green Lanes’

Deaf Youth Club on 19 June 2012. It was intended that he would deliver similar training at Chelmsford Deaf Youth Club but due to time constraints this was not possible. The findings from the forums influenced the design of this training, and it aimed to educate young Deaf people the core principles of the Equality Act 2010.

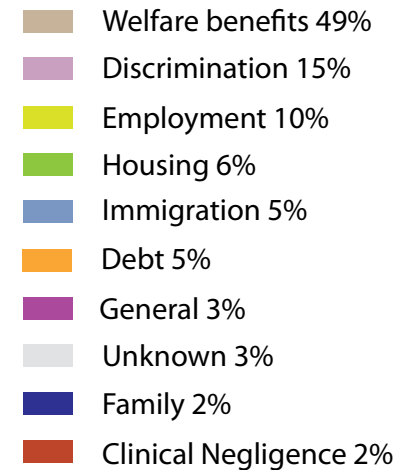
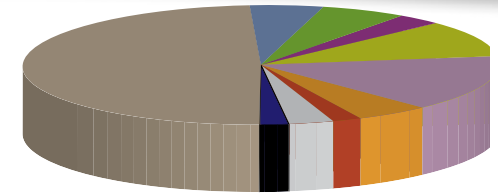
The evidence gathered was then analysed and used to inform the content of this report.

What legal issues do young Deaf people have?

The total number of cases dealt with by the RAD DLC team between April 2010 and June 2012 is 122.

The total number of young Deaf clients is 54, although it should be noted that some clients had multiple cases dealt with by RAD DLC.

It is quite clear from the chart above the highest proportion of cases (49%) related to welfare benefits. It is likely that this is due to the barriers faced by young Deaf people when attempting to access mainstream services, for instance,



Citizens Advice Bureaux, Jobcentre Plus etc. with regard to obtaining benefit advice, assistance on completing claim forms and challenging benefit decisions.

The second largest group (15%) consists of complaints about discrimination. This suggests that despite the existence of the Equality Act 2010, barriers still exist in the areas of housing, goods and services, employment and education.

It appears that the majority of cases were alerted to RAD DLC by word of mouth, including friends and family, with 44 cases referred

in this way. 25 cases were referred by external agencies, 10 of those from Social Services, 5 from Citizens Advice Bureaux, 4 from other Deaf organisations and 2 from educational institutions.

21 cases were related to welfare benefit decisions resulting in appeals to the Tribunal Service, with the Tribunal upholding the appeal in 2 cases.

Case study

Emile is a student from Estonia living in Halls of Residence. She had signed a tenancy agreement but the carefully worded agreement was misleading and she was unaware of her actual legal rights. In addition she was told to move out of her room without notice. We advised her that she was a tenant with basic rights (in fact, she was a licensee). We advised how her landlord should serve notice on her legally and advised her of her right to make a complaint. Emile decided not to pursue the complaint as she felt she had moved on from this, but thanked us for making her aware of these issues. This gives Emile a sense of confidence of how to understand the tenancy agreement and what areas of tenancy agreement to identify for the future.

What do young Deaf people know?

The research that took place at the forums in Essex and London highlighted that young Deaf people do have some knowledge of their rights. One participant at Essex commented:

“It is about respect that we have rights as Deaf people.”

Another participant remarked:

“My choice and what I want. A right to choose what I want to do”

This suggests that young Deaf people believe that they have rights, particularly in an education

context, but there appears to be a degree of naivety about what these rights are.

It is argued that the reason for this naivety comes down to young Deaf people’s grasp of the English language, supported by Professor Jim Kyle in his “Aspects of Deaf Achievement and Literacy” report:

“When faced with these grammatically complex sentences, Deaf people try to spot familiar words and then try to build the meaning around those individual words. The net result is at best a gist of what is being presented, at worst the meaning is completely distorted. Text which uses complex clauses, grammatical inflection, verb inflections or metaphor may not be understood at all.”

(page 5)

Three young Deaf people at the forums were aware of RAD DLC’s existence, which is likely due to their attending youth clubs manned by RAD staff who will naturally be aware of RAD DLC’s services. However, this is a relatively low number, and it is clear that RAD DLC has a



responsibility to ensure that a wider range of young Deaf people are aware of RAD DLC services.

It became apparent from our training course with ten young Deaf people at Green Lanes’ Youth Club and from our forums, that young Deaf people have unrealistic expectations of the Equality Act.

Many are raised in an environment where everything is provided for them, such as support from their Teacher for the Deaf, speech therapist and Communication Support Workers. These support provisions are likely to ‘mould’ young Deaf people’s expectations which could hamper their ability to make decisions. The fact that 12 cases were referred to RAD DLC by Social Services and educational institutions reinforces this point.

This was highlighted in the “One Stop, Many Shops” report commissioned by the Disability Law Service. The British Deaf Association explained that:

“Most deaf people rely on hearing to make decision for them. They are not confident in themselves to make decisions ...”

(page 85)

During the training course, young Deaf people were asked the question: ‘Does the Equality Act allow pen and paper to be used in place of a British Sign Language (BSL)/English Interpreter?’. Quite a few believed that this was not the case and many said that it is their right to use BSL as opposed to using English.

It was clear that the young Deaf people we asked were not aware of the ‘reasonable adjustment’ component of the Equality Act. Some felt that it would be difficult to change the outcome of service providers’ decisions if they cited the lack of monies available was the reason for not providing BSL/English Interpreters.

Another question asked was: ‘If a major football club is selling tickets for a match, and supporters can only book tickets by telephone, what would you do?’; the majority replied with the

solution of asking hearing peers or family to book a ticket on their behalf.

This tendency to rely on family members was highlighted in the Deaf Studies Trust report “Legal Choices – Silent Process” which was commissioned by the Solicitors Regulation Authority, the Legal Services Consumer Panel and Action on Hearing Loss:

“...we can normally assume a relatively low knowledge of legal rights and about the application of the justice system among members of society...Deaf (participants) generally had simplistic views of how the legal system might work...participants mentioned family members as the first port of call for advice. Hard of hearing people would be likely to ask a family member to make telephone calls and would often take the family members along as support and adviser. Deaf young People assumed there would be recourse to legal advice...”

(pages 19-20)

It became apparent from the training that young Deaf people have accepted that this is the ‘norm’ and it is what they should expect from large service providers such as Arsenal. They believe these companies ‘know best’ as adults are making these decisions and therefore they are less likely to not challenge them.

The “One Stop, Many Shops” report explained:

“...all of the procedures that we have assume that it’s adults who are going to be in control, and therefore very adult centred things... Children don’t feel that they have the freedom to question adult decisions...”

(page 89)

This rings true for young Deaf people who may find it difficult to challenge a decision due to adult and child relationship where the adult normally makes a decision and a child trusts the adult to make a the decision, lack of awareness; lack of access to information and perhaps their misguided trust in the ability of service providers to make decisions with the best



interests of the young Deaf person in mind.

It is interesting to note that their thought process changed once they realised that service providers have a responsibility to make a ‘reasonable adjustment’. Their responses to the question about football tickets changed to booking tickets via email, going to the box office and paying online.

This shows that once young Deaf people have received information, they are then able to brainstorm and come up with alternative solutions to a particular predicament, with the result that they no longer wish to rely on family members or friends; the only option they believed was available to them.

This session proved that young Deaf people’s decisions are made based on what they currently know or have been exposed to. If more young Deaf people are made aware of their rights and other relevant information then the level of expectation towards service providers they have will be significantly increased.

Do young Deaf people understand publicity materials?

Generally, publicity material advertising legal advice services for the general public are not accessible for the majority of Deaf people due to their having a limited command of written English. This is true for many young Deaf people.

“When Deaf people refer to ‘high level’ English they do not mean jargon, they mean sentence construction which is more complex than ‘subject-verb-object’. These difficulties lead Deaf people to ignore letters, leaflets, bills and so on – simply because they have no means to understand their importance. Where possible, Deaf people will ask other people for help – but this requires that the other person can use BSL – in order to explain it.”

(“Aspects of Deaf Achievement and Literacy”, page 5)

Therefore, generally Deaf people do not write letters to ask for clarification – from experience the clarifications other people provide come back to them as too complex or Deaf people’s attempts to express their own lack of understanding of the first communication is too limited in expression and is not understood by the hearing recipients. Deaf writing is correspondingly not well developed.

RAD DLC created an online survey to gather young Deaf people’s opinion on the leaflets below. The leaflets were designed to ensure that Deaf people are able to understand the range of services that RAD DLC provides*.

It was decided that for the purpose of this survey the RAD DLC leaflets would be the examples used as their target audience is the Deaf community, and therefore are accessible for this client group. Mainstream literature produced by other legal advice services is likely to not have been produced with the Deaf community in mind.

*These leaflets were designed in 2010 when RAD DLC was known as RAD Legal Services, and were in use until July 2012.

60% of the young Deaf people surveyed believed that the “Deaf? Want a will?” flyer was youth-friendly and useful. 53% felt that it was colourful and easy to understand. In contrast, 40% of the young Deaf people surveyed believed that the “Deaf? Want legal advice?” flyer was youth-friendly and 46% felt that it was easy to understand. 13% felt that it was not useful.

This is what some young Deaf people thought about the leaflets:

“The leaflets could give more information about each area of law and making a will. This would give people more understanding.”

“These leaflets need to be more catchy and appealing for younger audiences. Such as better use of colours that complement each other e.g. in both leaflets the colours are quite drab and boring.”



“I liked the signing but the pictures are a little childish, perhaps use a real person or more modern pictures of the signing.”

“Both leaflets are too basic and are more suitable for older deaf adults but not the younger generation.”

It is interesting to note that most of the young Deaf people surveyed felt that both flyers were youth-friendly and that there was a preference for the will-writing flyer as opposed to the general one. This clearly suggests that young Deaf people prefer image symbols over signing images.

Are problem noticers aware of young Deaf people's rights?

Telephone enquiries from problem noticers are often received by RAD DLC, which clearly shows that they are aware of the existence of services that can assist young Deaf people. However, the lines of inquiry from these callers demonstrate that they are not necessarily cognisant with the rights of Deaf people, hence the reason for their call in the first place.

For example, an advocate from a Deaf organisation who was supporting a young Deaf woman living in a care home due her mother being terminally ill contacted RAD DLC to find out what rights she has as a Deaf person in relation to guardianship. Another call asked whether RAD DLC could advise a 16 year old Nigerian national's appeal against a decision not to grant him leave to remain in the UK.

These examples suggest that while problem noticers may be aware of young people's rights, when supporting young Deaf individuals they may not necessarily be aware of the additional rights that being Deaf affords them.

It is clear from various reports such as "Legal Choices – Silent Process" and "One Stop, Many Shops" that not only do young Deaf people not know what legal advice services are available to them but the people who they turn to first, i.e. family members, youth services, Teachers for the Deaf and other professionals, are also not aware of the services that are available to them.

This was confirmed by participants at the Essex forum. When asked what would they would do if their GP refused to book a BSL/English Interpreter, one young Deaf person remarked that:

“You could ask a Social Worker to support you for explain to the GP.”

This shows that hearing professionals such as Social Workers, Teachers for the Deaf etc. are dominant figures in young

Deaf people's lives. One can only hope that these problem noticers are aware of young Deaf people's rights and know where to signpost them if necessary.

There is a significant risk that if problem noticers are not aware of specialist services for young Deaf people, the likelihood that young Deaf people would be oblivious to the existence of such services is high. This is acknowledged in the "One Stop, Many Shops" report (page 89) whereby children know that adults are in control and that they are the gatekeeper to sources of information and knowledge. If the adults do not have the information, this cannot be shared and passed onto young Deaf people.

Due to time constraints, RAD DLC were not able to undertake a survey of problem noticers to establish the level of knowledge they retain of young Deaf people's rights, but recognise that work is needed in this area. To that end, it is proposed that RAD DLC will create an online survey for problem noticers to complete, and as part of the "Making the law work for Deaf people" marketing campaign, RAD DLC will be circulating promotional materials to problem

noticers, and details of the online survey will also be circulated simultaneously. Nonetheless, it is clear from above that there is a gap in problem noticers' knowledge of the rights of young Deaf people which warrants further study.

How can we improve access to advice for young Deaf people?

It has been established that in order for young Deaf people to benefit from legal advice they need access to the basics of relevant information in order to build up their prior knowledge. Without this they may not be able to fully understand the advice they receive, if at all.

Furthermore, the solicitors who deal with their cases may not have the skill set to be able to equip the young Deaf person with this background information. The solicitor is likely to expect their client to have some knowledge prior an appointment.

“For Deaf people, barriers to access are rarely about physical obstacles. More often the barriers will be found in lack of accessible information, whether this information comes through direct interaction with other people who do not know or use sign language, or from sources that are intended to reach many people at once, e.g. the mass media.”

Deaf People and Human Rights”, (page 36)

“For those who are born Deaf and who use British Sign Language, the issues concern access to information in all areas of life – one to one and group communication in speech and for all text forms. These problems of access lead to huge (and often unpredictable) gaps in knowledge and are grossly isolated from information.”

Aspects of Deaf Achievement and Literacy (page 1)

RAD DLC has been successfully providing Deaf people (including young Deaf people) legal advice. As a Deaf charity and legal advice service RAD DLC are in a position

where they are able to combine both to maximise Deaf people’s experiences in accessing the legal system.

The feedback from the online survey suggests that young Deaf people want to see in any flyers promoting legal advice services:

- More information about each area of law;
- Not too basic;
- Better use of colours that complement each other;
- Use a real person or more modern pictures of the signing.

RAD DLC have now created new leaflets taking the above into account.

RAD DLC has also developed a Deaf Law Quality Mark initiative in order to clarify access requirements for Deaf clients to ensure that law firms, Law Centres, chambers and other bodies delivering legal services have a clear understanding of what is expected of them in order to deliver high quality legal services to Deaf people. This will go some way in addressing the issues that young Deaf people face when accessing legal advice.

There are some law firms or solicitors within who recognise the importance of BSL, the first or preferred language for many Deaf people in the UK. Some law firms have developed initiatives where solicitors learn BSL so that they can communicate directly with Deaf clients. However, like any other languages, it can take a minimum 4-5 years learning before achieving fluency in BSL so this can only be a long term solution.

What impact does advice have on young Deaf people?

It is generally accepted that Deaf people often do not have access to general information through radio, television, social discussions, websites (BSL translations of websites are not commonplace) and media such as podcasts.

Therefore, most Deaf people do not have fundamental access to key information to develop their basic knowledge in order to make that connection to generic information.

Young Deaf people face similar experiences. Therefore, for any advice to have a significant impact, it would be beneficial for young Deaf people to have access to information about the legislation and how the legislation works before the advice can actually be implemented. The Arsenal example above is a clear indication of the difference knowledge can make to young Deaf people in identifying solutions to a particular issue.

The Equality Act states that there are six different forms of discrimination. Many young people in the UK may not really understand what ‘discrimination’ actually means, however, they would have heard and had some exposure to the term ‘discrimination’, whereas young



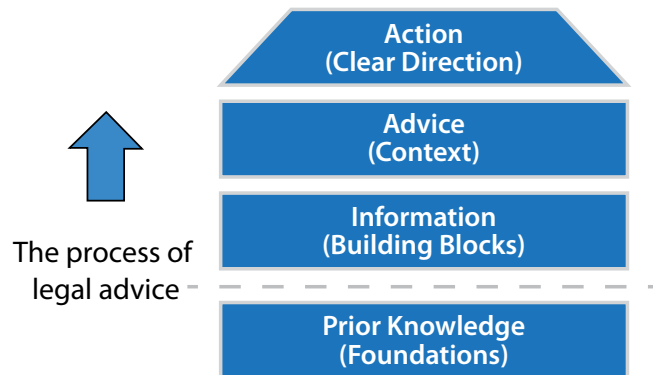
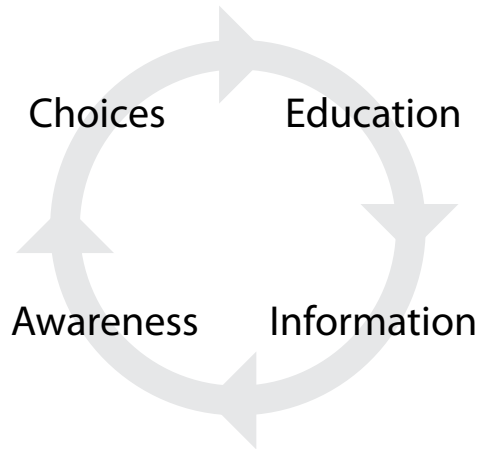


How can services ensure the best outcomes?

It has been established that for young Deaf people access to legal advice is dependent on one thing: prior knowledge.

Deaf people are unlikely to have experienced any kind of exposure.

If advice is not delivered properly and capable of being processed by a young Deaf person, this is likely to cause the young Deaf person further distress. As a coping strategy, they may well reach a conclusion they are comfortable with and understand which may not necessarily be the same conclusion as advised by the legal professional. This could have a serious impact on the young Deaf person to make informed decisions and provide instructions to their adviser, and may well reinforce a cycle of reliance on hearing people to make decisions on their behalf.



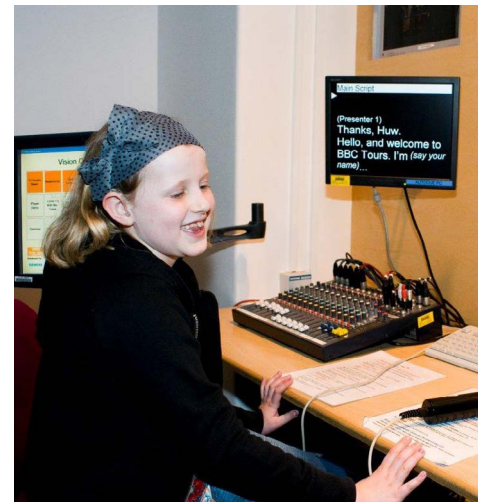
The majority of young Deaf people, as demonstrated by the research conducted through the forums in London and Essex and the outcome of the equality awareness training, lack prior knowledge. It has also been established that hearing peers will generally have some prior knowledge due to the fact that they have access to information that young Deaf people lack: through radio, television, social discussions, websites and other media and better levels of English literacy. This means that the process of legal advice requires the components illustrated in the following diagram. Young Deaf people generally lack the foundations which would assist them in their need to access legal advice.

In order to ensure that young Deaf people have the foundations in place in order to benefit from legal advice, it is imperative that training is provided to:

- young Deaf people themselves to give them the prior knowledge they require;
- problem noticers about young Deaf people's rights; and
- legal professionals in order to understand young Deaf people's needs in order to advise them effectively.

RAD DLC has developed various training programmes which will address the needs identified. The Deaf Law Quality Mark will also go some way to ensure that law firms, Law Centres, chambers and other bodies delivering legal services have a clear understanding of what is expected of them in order to deliver high quality legal services to young Deaf people

It is clear that much work needs to be done to establish referral arrangements with various agencies including Law Centres so that problem noticers and other legal advice service providers know where to refer young Deaf people for legal advice.



Conclusion

From this project and the services we provide to Deaf clients generally, it is clear that there is a distinct lack of information and access in place for Deaf people. This has fundamentally led to young Deaf people in particular being unable to benefit from legal advice services.



Nonetheless, it is not just young Deaf people who need to be educated on their rights and the various services, legal advice or otherwise, that could assist them. It is just as important to educate as wide a range of problem noticers about young Deaf people's rights and the range of services available for them. This would naturally enable problem noticers to pass on appropriate advice and

signpost young Deaf people to relevant services in order to remedy problems, and this is particularly crucial to prevent unmet need among young Deaf people.

It is evident that there is a need to advertise RAD DLC services more widely to young Deaf people and problem noticers, to provide training and to set up referral arrangements to ease the process of signposting and referring young Deaf people to RAD DLC.

As part of its "making the law work for Deaf people" marketing campaign to be launched on 18 July 2012, RAD DLC will advertise its services more widely using its new services and training leaflets to Deaf children and young people directly and via "problem noticers" such as Teachers of the Deaf, youth organisations, youth workers, partners at other Deaf organisations providing children, youth and family services, in order to raise the profile of RAD DLC's services to young Deaf people. As part of this marketing drive, RAD DLC will also provide details of an online survey in order to glean more information from problem noticers about their knowledge of young Deaf people's rights and whether they are aware of services they can signpost to.

RAD DLC will set up referral arrangements with various agencies and specifically targeted Law Centres, and expand its Access Point initiative to install webcams in various Law Centres, Citizens Advice bureaux and other Deaf organisations with the aim of widening the network of Access Points to cover social services and educational establishments in particular.

RAD DLC will also roll out a training programme to young Deaf people, problem noticers and legal professionals, outcomes from which will be included in the reviews at 6 and 12 months. It is intended that the law awareness training will go some way to address the gap in knowledge that young Deaf people have which renders it difficult for them to gain the most benefit from their sessions with solicitors and other legal advisers.

There will also be a review of service provision to young Deaf people at 6 and 12 months following the end of the research and training period in order to establish whether there has been an increase in the number of referrals to RAD DLC from young Deaf people and their problem noticers.

RAD DLC recognises that for young Deaf people to thrive and



gain fundamental knowledge, an environment should be created where they can access a wider matrix of information and knowledge. One way of encouraging this is through apprenticeship schemes. Such a scheme would allow a young Deaf person to increase their awareness and knowledge and build blocks of knowledge in order to process information in a useful way.

By implementing the above, RAD DLC and its partners can make inroads in making the law work for young Deaf people.

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Webcam Portal

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