

**Bar Council Equality & Diversity Guides**

**Supporting Colleagues, Pupils and Students with Dyspraxia**

|  |
| --- |
| **This guide:**   * Delivers an overview of dyspraxia and how it can affect individuals; * Provides information to barristers with dyspraxia (including pupils), pupil supervisors, chambers and other members of the Bar; * Demonstrates what pupil supervisors and chambers can do to support individuals with dyspraxia to achieve their potential; * And gives an overview of legal and regulatory requirements which individual barristers, and chamber, must comply with (please note it does not provide legal advice or guidance) |

Contents

[WHAT IS DYSPRAXIA? 1](#_Toc52966038)

[DYSPRAXIA AS A DISABILITY: THE EQUALITY ACT 2010 3](#_Toc52966039)

[LEGAL OBLIGATIONS – THE EQUALITY ACT 2010 3](#_Toc52966040)

[REASONABLE ADJUSTMENTS 3](#_Toc52966041)

[SUPPORT AND PROFESSIONAL HELP 4](#_Toc52966042)

[INFORMATION FOR CHAMBERS: 5](#_Toc52966043)

[A. TALKING ABOUT DISABILITY 5](#_Toc52966044)

[B. STEPS TO TAKE IN SUPPORTING AND MANAGING A PUPIL WITH DYSPRAXIA 6](#_Toc52966045)

[C. SOME KEY POINTS FOR PUPIL SUPERVISORS 8](#_Toc52966046)

[D. RECRUITMENT 9](#_Toc52966047)

[SUPPORT GROUPS AND FURTHER READING 11](#_Toc52966048)

# 

# **WHAT IS DYSPRAXIA?**

1. Dyspraxia means the ‘inability to perform coordinated movements’.

|  |
| --- |
| The British Dyslexia Association uses the following definition of dyspraxia:  *‘Developmental Coordination Disorder (DCD), also known as****dyspraxia****, is a common disorder affecting fine and/or gross motor coordination in children and adults. ... ’[[1]](#footnote-1)* |

2. It has been defined as “a breakdown of praxis [action]” and “the inability to utilise voluntary motor abilities effectively in all aspects of life from play to structured skilled tasks” (Chu S and Milloy NR cited in Bowens and Smith).[[2]](#footnote-2)

3. Lack of balance, difficulty concentrating, problems processing information and chronic anxiety are just some of the symptoms a person with dyspraxia experiences. A UK trade union, GMB states that 5% of the population have dyspraxic traits, with as many as 1.6m UK workers being dyspraxic.[[3]](#footnote-3) It is an employer’s duty to educate themselves and their workplace on the condition.

4. Like dyslexia, dyspraxia is not a disease to be cured, and people do not ‘grow out of it’. It affects people of all racial/ethnic groups, backgrounds and abilities, and dyspraxia occurs independently from intelligence. According to the Dyspraxia Foundation, dyspraxia “occurs across the range of intellectual abilities,”[[4]](#footnote-4) meaning that people across the functioning intellectual spectrum can have it, including some of the most intellectually able people in society. Dyspraxia is one of a group of ‘specific learning disabilities’ which includes dyscalculia (difficulties with arithmetic) and dyslexia (difficulties with words). In fact, dyspraxia will not always occur in isolation. Many sufferers may exhibit other learning difficulties as well, like dyslexia, dyscalculia and ADHD.

5. It is important to note that recognising dyspraxia early in life and providing support can help people to deal with the way their dyspraxia affects them.

6. It is also important to acknowledge the benefits dyspraxic people bring to the workplace, as the GMB union states they “are often hardworking, creative and strong lateral thinkers.” What’s more, “most dyspraxic workers,” they say, “will have had to overcome significant challenges to be in the position they are now in,”[[5]](#footnote-5) making them resilient professionals and potentially strong leaders.

# **DYSPRAXIA AS A DISABILITY: THE EQUALITY ACT 2010**

7. The Equality Act 2010 prohibits discrimination related to a ‘protected characteristic’. Disability is one such protected characteristic. The Equality Act 2010 (section 6) refers to a physical or mental impairment that has a substantial and long-term adverse effect on someone’s ability to carry out normal day to day activities.

8. This certainly encompasses dyspraxia, as it falls within this definition, and so dyspraxia is a protected characteristic. Therefore, people with dyspraxia should not experience discrimination and must be provided with ‘reasonable adjustments’.

# **LEGAL OBLIGATIONS – THE EQUALITY ACT 2010**

|  |
| --- |
| This section does not provide detailed guidance on discrimination and reasonable adjustments as that is outside the scope of this guide. It does provide a short summary of the key issues |

9. Section 47 of the Equality Act 2010 contains the provisions covering barristers. It prohibits discrimination in relation to:

* The arrangements chambers use to decide to whom to offer pupillage or tenancy, the terms offered or not offering a pupillage or tenancy.
* The terms on which someone is a pupil or tenant, in the way the pupil or tenant is afforded access to opportunities for training or gaining experience or for receiving any other benefit or service, by terminating the pupillage or pressuring a person to leave chambers or subjecting that person to any other detriment.

10. It also prohibits a barrister from:

* Harassing a pupil or tenant or anyone who has applied for pupillage or tenancy.
* Victimising another person in relation to recruitment to pupillage or tenancy or the terms on which this is offered or in not offering a pupillage or tenancy.

# **REASONABLE ADJUSTMENTS**

11. The Equality Act 2010 imposes a duty on a barrister to make reasonable adjustments. The legal duty to make reasonable adjustments encompass three requirements to make these reasonable adjustments:

1. Where there is a provision, criterion or practice which puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled;
2. Where a physical feature puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled;
3. Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in comparison.

Where the provision of information is a requirement under a) and c) it must be provided in an accessible format.

12. A failure to comply with the duty to make equitable adjustments is discrimination against the disabled person.

13. Further information on the types of reasonable adjustment that can be made can be found on the [Equality and Human Rights Commission](https://www.equalityhumanrights.com/en) website.

# **SUPPORT AND PROFESSIONAL HELP**

14. The Dyspraxia Foundation states that if you think you may have dyspraxia you should start by consulting your GP, ‘with a view to being referred to an educational or clinical psychologist, occupational therapist, speech therapist or counsellor.’[[6]](#footnote-6)

15. The Dyspraxia Foundation explains further that ‘there is no cure for dyspraxia but there are many strategies that can help.’

* Occupational therapy can concentrate on fine motor and perceptual skills, together with activities of daily living such as household tasks and organisational skills, helping develop strategies to improve these. Occupational therapists can suggest suitable equipment to help with these tasks.
* Speech therapy can help with speech or language problems and also sometimes with communication and social skills.
* Counselling can help to overcome some of the emotional problems caused through experiencing dyspraxia, such as anxiety, depression and low confidence. And medication such as anti-depressants can be of use where depression and anxiety are a big problem.

# **INFORMATION FOR CHAMBERS:**

## 

## **A. TALKING ABOUT DISABILITY**

16. An individual’s disability is personal to them. This means that chambers, and in particular pupil supervisors, need to be sensitive to how someone feels about their disability and issues that relate to it. A fundamental principle is that one should not assume but instead one should ask the person what they want and need and respect their position.

17. Each person will be different. Some may be comfortable freely discussing their disability and issues relating to it. Others may not. That is their choice. It is very important to see and respect the person, not simply their disability. If someone has disclosed that s/he has dyspraxia, colleagues and staff may need to speak to them about issues relating to this. For example, to check if they need support and if so, what this could be. These conversations are likely to be best carried out privately and sensitively, rather than in public areas.

18. There is no requirement on someone to disclose their disability, including dyspraxia. In employment situations, an employer only has a duty to make reasonable adjustments if s/he knows or reasonably could be expected to know of the employee’s disability. That situation will not apply to a pupil or tenant.

19. Whether or not someone discloses their dyspraxia, and at what stage of recruitment or professional life in chambers, is a personal choice.

20. It is important to remember that questions or discussions about a person’s disability, including what reasonable adjustments they might need as a pupil, should not take place during an interview or at any stage before an offer of pupillage is made. Once the offer is made, chambers can consider what reasonable adjustments are necessary. For more information, see the Bar Council’s Fair Recruitment and Selection Guide.[[7]](#footnote-7)

|  |
| --- |
| **Etiquette - taken from the Dyspraxia Foundation[[8]](#footnote-8):**   * When someone makes a disclosure about his or her disability ask him or her what it means for them and listen. Dyspraxia is a condition, not an illness that can be ‘cured’. * People don’t need to ‘admit’ to dyspraxia; it is something they have rather than a ‘fault’. * People with ‘specific disabilities’ are individuals who share a common condition. * Be aware that dyspraxia may affect people differently; for some it may be no more than a minor inconvenience most of the time. For others, it may have a continual major impact on their lives. * Disabilities are not always obvious, and the impact of a disability can be even less obvious. * Don’t assume someone does not have a disability just because you are not aware of it. * Disability is a natural part of human identity not something to be fixed. * It is important that once someone has disclosed a disability, they are not defined by it - not ‘a dyspraxic’ or ‘a dyslexic’ but a person with dyspraxia or a person with dyslexia. * Beware of considering you are an expert on dyspraxia because you know someone else who has it; only the individual is an expert on how dyspraxia affects him or her. * Instead of using the terms “normal or disabled”, use “non-disabled or disabled”. * When speaking to an adult treat them as an adult - use a normal speaking tone and style. * Do not ignore someone with a speech impediment because you are concerned you will not understand him or her. * People who are disabled in one area can become ‘differently–abled’ through adjustment. * Don’t assume that a person with a disability who approaches a task differently will do it less well. * Sympathy is not as constructive as empathy and acceptance. * A disabled person does not have to be grateful for reasonable adjustment any more than a non-disabled person has to be grateful for steps up a hill or lights in a dark room. |

## **B. STEPS TO TAKE IN SUPPORTING AND MANAGING A PUPIL WITH DYSPRAXIA**

21. Where a pupil has disclosed that they have dyspraxia, it is important to develop a clear support plan at the earliest stage. It is best to do this before the person’s pupillage starts to ensure that they have access to support right from the outset. Your pupil is at the centre of this support plan, and so you must ensure that they are fully involved in developing it.

22. Dyspraxia can be a significant issue for someone. It may cause a person to become stressed and this can exacerbate the difficulties they face with dyspraxia. This is why it is very important to talk to that person about the challenges they face and ask how you could support them.

23. A pupil with dyspraxia may well have had a dyspraxia assessment when they were a student. This may well need to be updated to take account of the particular requirements and pressures of pupillage. This should be done by a ‘workplace assessment’. This will detail the most appropriate accommodations and support, (reasonable adjustments), which would be successful in ameliorating any weak areas and reduce stress. This is not something that either the individual or chambers would be able to work out for themselves.

24. Not everyone will require adjustments, and it should be noted that most adjustments are inexpensive or carry no financial costs for the employer. Each individual is different and reasonable adjustments should be made on the basis of the individual’s own understanding of their needs and/or an assessment by an appropriately qualified person. The range of potential reasonable adjustments for dyspraxia is very wide: they can compass everything from changes to working practices, assistive technology, and retraining.

25. Where someone applies for funding for reasonable adjustments from [Access to Work](https://www.gov.uk/access-to-work), this will include a workplace assessment. This scheme is open to people with a disability who are in work and also to help with interviews when applying for work. Many employers have never heard of the scheme. It gives advice and information to individuals and employers and also may fund specialist assistance and equipment. It is important to ensure that the person carrying out the assessment is a qualified workplace dyspraxia specialist. This is to ensure that the assessor is appropriate.

|  |
| --- |
| **Note**: The application for Access to Work has to come from the individual concerned, it is a personal service. All applications are handled through an [Access to Work](https://www.gov.uk/access-to-work) Contact Centre, the contact details for these are available on the DirectGov website. |

|  |
| --- |
| **Examples of possible reasonable adjustments include, but are not limited to:**   * Providing assistive technology * Extra time to complete some tasks * Sensory adjustments (such as reducing noise levels) * Training for workers and managers * Flexible variations to working patterns * Providing instructions in writing * Varying dress codes * Support for structuring time and prioritising tasks   **Please note:** The Dyspraxia Foundation has published an extremely detailed list of examples of potential reasonable adjustments. These can be found in their publication [Working with Dyspraxia – a Hidden Asset: Guide for Employers](https://dyspraxiafoundation.org.uk/wp-content/uploads/2016/06/Employer_guide_to_dyspraxia_1.0.pdf) (from pages 17 to 49) |

## **C. SOME KEY POINTS FOR PUPIL SUPERVISORS**

26. Dyspraxic legal professionals can face a number of challenges. These are likely to be different for each person due to the way their dyspraxia affects them:

* Stereotypes can be significant barrier. Stereotypes can lead to individuals discriminating against a pupil, tenant (or person applying for these positions). ‘Dyspraxia’ can be a label which prevents others from seeing the talents which a person has. Whilst it can be useful ‘shorthand’, it is important to recognise the person and not only the dyspraxia.
* Dyspraxic candidates may be put at a disadvantage at an interview when they are asked questions with more than one part, due to potential difficulty with organising and planning thoughts. This is why you need to carefully plan your interview questions and if advised before an interview of a student with dyspraxia, to provide them with the interview questions beforehand, so they can rehearse and prepare.
* Time keeping and organisational skills may be a challenge and where this is not to the standard required, it can be the issue which leads to a person disclosing their dyspraxia or which leads to them seeking a dyspraxia assessment. Where appropriate provide support for pupils with dyspraxia, with reasonable adjectives; for example, encouraging the use of a daily diary with a long-term overview, encouraging planning the day beforehand, always give plenty of warning before deadlines and talk through ideas with your pupil to clarify their thinking.
* An individual with dyspraxia may have co-ordination and motor difficulties. Motor control may affect the way that they use equipment or moves around. Simple adjustments can make life easier, e.g. electric hole punch, stapler etc. Furthermore, executing practical of day to day office-based tasks like photocopying may be difficult for someone with co-ordination or motor difficulties. An individual may completely understand how to do a task but have difficulty carrying it out. So, understanding this and being able to provide support and empathy where it is needed is crucial.

* Therefore, it is important for a supervisor to provide understanding, compassion and assistance where a dyspraxic pupil’s difficulties arise, as this can play a huge factor in the underlaying emotional problems and stress caused by dyspraxia.

## **D. RECRUITMENT**

27. When people with dyspraxia apply for pupillage, tenancy or wish to be considered as a squatter, chambers must, in most cases understand and make reasonable adjustments. The provisions of the Equality Act 2010 apply to the entirety of the recruitment process. It is essential that chambers consider how the different stages of the recruitment process may impact on an applicant with dyspraxia, and therefore the reasonable adjustments which may need to be made to each stage. Doing so in advance of an application can assist chambers to effectively plan for such adjustments and enable these to be more easily provided; rather than trying to do so when time and resources may be limited.

28. Designing application forms and processes: potential reasonable adjustments include ensuring application forms are clear and clearly set out. Instructions or guidance notes on how to complete the application form and what, if any, supporting documentation is required should be written in clear and direct language. Furthermore, the Dyspraxia Foundation states that, ‘Handwritten application forms can be particularly difficult, on-line options are preferred. If the application is in PDF format it is a good idea to make it an accessible PDF form so the content can be filled in on computer by the applicant.’[[9]](#footnote-9)

29. It is important that any tests or activities to be presented to the individual in advance, to allow them adequate time to advise for requests for reasonable adjustments to be communicated and implemented.

**Interview:**

30. At interview dyspraxia can affect many factors; speed of response to questions, ease of maintaining eye contact, speech and appearance, so it is important to understand and empathise with this when interviewing.

31. The Remploy website advises when interviewing people with dyspraxia[[10]](#footnote-10):

* Offer alternative solutions to written application forms
* Allow additional time for interviews and tests
* Individuals may have a habit of speaking before they think things through, or being very literal and factual, with little consideration for social etiquette – this is the condition rather than rudeness
* Individuals can appear as though they are not listening. Speak clearly and check their understanding using open questions
* Working interviews or work trials prior to a job offer are a good alternative to traditional interview approaches.

32. The fundamental principle when making reasonable adjustments is always to ask the person what they need. The person is the expert in how their impairment affects them and so is in the best position to assist you to make reasonable adjustments.

33. When planning what adjustments to make, you should seek information from expert sources. This can include specialist organisations such as the Dyspraxia Foundation. The Technical Guidance highlights this point and chambers are expected to do so.

34. Ensuring that the people responsible for and involved in recruitment have attended the Bar Council’s Fair Recruitment and Selection course can be a way to ensure that chambers uses fair procedures and can demonstrate that it has taken reasonable steps to eliminate discrimination.

**Information for Pupils and Tenants with dyspraxia – points to consider**

**Disclosure**

35. Not every disability is immediately apparent. Where someone’s disability is not immediately apparent, they may be concerned at what other people may think and so may be reluctant to disclose their disability. This is the person’s choice which should be respected.

36. A related point is that it is advisable for the individual to be aware that a consequence of not disclosing is that chambers would not be subject to a duty to make reasonable adjustments for an applicant for pupillage or tenancy or a pupil or tenant.

37. This could mean that a disabled pupil who needs a reasonable adjustment(s) in order to effectively undertake pupillage, but does not disclose their dyspraxia, could have difficulties in demonstrating their abilities and thus be at a disadvantage. This is a point that a pupil should carefully consider in relation to disclosure.

38. A similar point could apply in relation to a person applying for tenancy.

**What support you could expect**

39. Pupils who disclose their disability, can expect their prospective chambers to engage with them in advance of starting pupillage in order to discuss what reasonable adjustments they may need in pupillage. As part of this process, a pupillage supervisor should contact their Chambers’ Equality and Diversity Officer or the Bar Council’s Equality, Diversity and Social Mobility Committee for advice.

40. Pupils can expect to be able to speak directly to their Chambers’ Equality and Diversity Officer for advice and support and to be able to contact the Bar Council EDSM Committee directly for advice from its Panel of Disability Advisors.

# **SUPPORT GROUPS AND FURTHER READING**

The Dyspraxia Foundation is the UK’s largest dyspraxia charity. It supports adults, children and parents. Local groups are also run in various locations.

Contact details: Dyspraxia Foundation 8 West Alley, Hitchin, SG5 1EG

Helpline: 01462 454986

Website: <https://dyspraxiafoundation.org.uk/>

Email: [info@dyspraxiafoundation.org.uk](mailto:info@dyspraxiafoundation.org.uk)

Information on local groups can be found at: <https://dyspraxiafoundation.org.uk/groups/>

**Further reading:**

* [Dyspraxia Foundation, Dyspraxia/DCD in the workplace - help and guidance for job seekers and employees](https://dyspraxiafoundation.org.uk/dyspraxia-adults/workplace-employees/):
* [Dyspraxia Foundation, Dyspraxia: Guidelines for Employers](https://dyspraxiafoundation.org.uk/wp-content/uploads/2018/08/DyspraxiaFoundation-WorkplaceGuidelines.pdf):
* Dyspraxia Foundation, [Working with Dyspraxia - a Hidden Asset: Employer Guide to Dyspraxia](https://dyspraxiafoundation.org.uk/wp-content/uploads/2016/06/Employer_guide_to_dyspraxia_1.0.pdf):

**December 2020**

1. <https://www.bdadyslexia.org.uk/dyslexia/neurodiversity-and-co-occurring-differences/dyspraxia> [↑](#footnote-ref-1)
2. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2066137/> [↑](#footnote-ref-2)
3. <https://www.gmb.org.uk/sites/default/files/neurodiversity-dyspraxia-guide.pdf> [↑](#footnote-ref-3)
4. <https://dyspraxiafoundation.org.uk/wp-content/uploads/2016/06/Employer_guide_to_dyspraxia_1.0.pdf> [↑](#footnote-ref-4)
5. <https://www.gmb.org.uk/sites/default/files/neurodiversity-dyspraxia-guide.pdf> [↑](#footnote-ref-5)
6. <https://dyspraxiafoundation.org.uk/wp-content/uploads/2016/06/Employer_guide_to_dyspraxia_1.0.pdf> [↑](#footnote-ref-6)
7. <https://www.barcouncil.org.uk/training-events/calendar/fair-recruitment-and-selection.html> [↑](#footnote-ref-7)
8. <https://dyspraxiafoundation.org.uk/wp-content/uploads/2016/06/Employer_guide_to_dyspraxia_1.0.pdf> [↑](#footnote-ref-8)
9. <https://dyspraxiafoundation.org.uk/wp-content/uploads/2016/06/Employer_guide_to_dyspraxia_1.0.pdf> [↑](#footnote-ref-9)
10. <https://www.remploy.co.uk/employers/resources/z-disabilities/dyspraxia> [↑](#footnote-ref-10)