

LawCare – The Legal Mind podcast recording

Recorded on 19 September 2023

Transcript of Legal Barriers Scotland podcast with Fraser and Tom.

Niamh

Hi and welcome to the Legal Mind podcast from LawCare. I'm Niamh Warnock, Engagement and Relationship Manager at LawCare, and today I'm joined by Fraser Mackay and Tom McGovern, the founding members of Disabling Barriers Scotland. We're going to be talking a bit more about this new group, which they set up at the end of 2022. What they've done so far, how things are progressing and their plans for the future.

So firstly, I'd like to introduce Fraser. Fraser was diagnosed with the learning difficulty of dyspraxia at the age of 10. With this running in his family, he's explained to us that it was really quite a surprise to everyone that he went on to study at university level, particularly when his first degree was in Philosophy and English literature at the University of Edinburgh. When completing his degree, he then found that he had a particular interest in research and policy work, which led him to progress onto the accelerated LLB and Diploma at the University of Dundee. Fraser was working as a precognition assistant with the Scottish Social Services Council alongside his studies and has now progressed onto his legal traineeship with the Council, which he is due to complete in July 2024.

We're also joined today by Tom McGovern. Tom completed his LLB in Law at the University of Glasgow and then his Diploma in Professional Legal Practice at the University of Dundee. Tom is currently completing his traineeship in criminal defence law firm McGovern Reid Court Lawyers in Lanarkshire and Glasgow, where he works alongside his brother and Tom is due to qualify in December of this year.

Tom was diagnosed with dyslexia at the age of seven and received significant assistance throughout his time both at school and university. Despite the assistance received, however, Tom found that he was faced over the years with a significant number of resit exams. Fast forward to October 2022, and Tom wrote an article, '*the challenge of the written word*' for the Journal of the Law Society of Scotland. Following this article, he was put in touch with Fraser and as they say, the rest is history.

So Fraser, to get us started. Would you like to fill us in a bit more on your background, your personal journey here and how the group came about?

Fraser:

My journey into law was quite unique in a lot of ways. My initial school life was quite difficult. I was a kid at the back of the class who would struggle to focus and would be told off repeatedly by teachers for not focusing on their work and what they were saying.

Around age 10, I was diagnosed with dyspraxia, which was quite a relief in a lot of ways. This meant that I was able to meet with schoolteachers and my parents could assist in terms of helping me to know how I learn best and a lot of it came about through laptop learning outside of the classroom, but certainly having an adjustment plan really helped me to kick on. And throughout my standard grades I went from being predicted scrapping passes to getting all ones and twos which are credit grades, and it was, as my dad said, quite a transformation. I think it was quite a shock to a lot of teachers to see that progress.

From that point, I remember not really being spoken to a lot about careers advice or what I wanted to go on and do. I think that was probably because at the time that they were having those discussions my prospects weren't to go to university but due to that transformation I got into Edinburgh University and studied Philosophy and English for four years before deciding to go on and do law. So I found law later on in life. When I was looking for support in terms of how to manage my disability in the workplace, I reached out to Aspiring Solicitors and the Law Society's Disabled Solicitor Network. However, both of those organisations were primarily focused on assisting students in England & Wales and the Legal Access Scheme was very much tailored to England and Wales as well. This led me to a position to reach out to Rob Marrs at the Law Society of Scotland and ask what support was available for a Scottish student. The answer that in return was that there was no comparative programme in Scotland to help lawyers with disabilities. So that's why I started to put together names of interested parties and what their involvement would be. At that point, I connected with Tom as I noticed his article on the Law Society's website and started making connections with people that would later go on to be our trustees within the group.

Niamh:

Fantastic. So quite the journey so far. Sounds like you had really lots of barriers to overcome to get to the stage that you're at now and it's really fantastic to hear that you have noticed that gap in the offering available to people who may find themselves in positions perhaps similar to yours and have really made an effort to start this conversation.

So Tom, it does seem hard to believe when I think of the things that I've heard that you all have done so far and how far you've come with the group that actually you didn't even know each other you and Fraser, this time last year. So it'd be really great if you could fill in a little bit more, tell us a bit more about yourself and perhaps some of your insights on your journey through to where you currently are with your traineeship.

Tom:

Yeah, Fraser and I essentially connected over a passion for this type of work and the difficulties we faced at university and the worries that these would manifest in our journeys, in the profession itself. So I, as you said, in my introduction Niamh I was diagnosed with dyslexia at age 7. Essentially, I was useless at school. I wasn't interested in school or anything like that. I was kind of sport. And I wasn't good enough to compete at a high level, but I was kind of carrying on a lot and stuff like that in school and then

essentially as I got older there were certain subjects I started gravitating towards and I would gain confidence in achieving higher grades within those subjects and then attaining good enough grades to obviously study law, but I couldn't have foreseen that a few years prior to the period of graduate from school. It was only at university, where there's a lot more onus and examination on your spelling and grammar, where I essentially struggled massively and that resulted a lot of resits and stuff like that. I didn't really, I had a very fragmented university experience. I had to have time out. I didn't enjoy it to be frank. However, it was a kind of a combination of the degree itself and my issues. Just kind of it wasn't a good combination in essence and then my intention going into profession was to leave that behind me and not engage with that and not discuss my issues.

However, I realised quite quickly that I wasn't able to do that and then there was a period that I'm a criminal defence trainee lawyer, which means I appear in court and speaking on behalf of my clients a lot and I was using my iPhone to do so instead of hand handwritten notes because of my handwriting and the Sheriff called me unprofessional. Unbeknownst to him, the reason I was doing it and I was quick to address him and why I was doing it from there on, I wrote that Journal article. And then concurrently whilst I was doing that Fraser was working in terms of getting a database together of people with similar issues and the Law Society put Fraser and I together and here we are. I feel as I've aged about 10 years since I've met Fraser, although unrelated to meeting Fraser, just the stuff we've been working on you know.

Niamh:

Well, that's a great, great introduction to everything that you have done and that really you have faced lots of things so far as well.

In terms of once you finally set up the group, I guess one of your big decisions to get started was, you know, what do you even call the group? Where do you get your starting point? How do you reach something, an agreement in relation to a name that maybe will entice people in, will have people interested.

So Fraser, I know that you put a lot of thought into this process. Could you maybe talk us through that?

Fraser:

Yes, thank you. I think there are similarities between not only Tom and I's journey into law, but those of the Members that we represent at present. Where historically we would have been seen as disabled solicitors, but that was an idea that I wanted to get away from. As soon as you describe someone as a disabled solicitor you are othering them from their colleagues and the people that they work with. So we wanted to remove that stigma and that's why we're trying to change the conversation in relation to that.

This is a point of view that's shared by groups such as Inclusion Scotland, where the social model of disability has been employed. Instead of focusing on the impairment, they focus

on the barriers that prevent that person from achieving, even though they have an impairment.

So that's why we're called Disabling Barriers Scotland. It's because we're focusing on disabling the barriers that are in place, rather than people's individual health conditions, and we're changing the conversation to make it the social model of disability, rather than focusing on a lawyer as being disabled.

Niamh:

Yeah, that's really interesting that you sort of had to think through that thought process and I guess that there needs to be a real recognition when you're working in this area that that there's no kind of one size fits all in terms of how you refer to somebody, how you can define somebody, lots of for lots of people that that's going to be a very a very personal thought and a very personal journey to come to what they are happy to discuss, what they're happy to share.

I know that there may be some people that embrace having a disability as being part of their identity, but others maybe struggle with that. They maybe have acquired a disability later on in life. It's not something they have dealt with the whole way through, and I guess what you're doing is great to provide this new platform that hopefully will help acknowledge that it can be difficult for some people to open up and speak about their own personal experiences and hopefully with your guidance and by the example that you're setting also with both of you really at the starts of your careers and being so brave to stand up and start these conversations that you might give some more people a bit more confidence to do so themselves.

So Fraser, I understand when you were setting up the group, you realised that between you and Tom, you weren't going to be able to do and achieve everything that you wanted this group to do and that you realised that you needed a bit more assistance from others to help structure your work.

In terms of how Disabling Barriers Scotland is made-up, I think you have a few different committees, is that right? Would you possibly be able to just explain a wee bit more about those committees and how the organisation is made-up and how the structure works?

Fraser:

Yes. So that's a really good point that you raised Niamh in terms of people coming from a range of backgrounds and walks of life and possibly not identifying as disabled. I think that a lot of the definitions in relation to disability. try to categorise people where people might feel that they don't belong in that category. Tom and I are very clear that we wanted to welcome both supporters, which are those that want to make the Scottish legal profession inclusive to lawyers with health impairments or disabilities, and we also have Members who are those who benefit from the work that Disabling barriers does. So, the difference is that our members have declared a health condition and disability whereas supporters have

not. So that's why we're focused on benefiting our members rather than supporters in terms of the committees.

The idea behind that was that when we were getting started, we had a lot of people reach out and say how can I get involved? How can I help? And we were still having launched in December in the early stages of putting together the actual structure of what Disabling Barriers Scotland was going to be. But we at the same time didn't want to curtail that interest so we set up working groups. We have our Current Issues Working Group, and they focus on issues facing solicitors at practice in the sector at present. This group are currently working on a survey to those in the profession to find areas where improvement can be made. We found that when we started Disabling Barriers that there were many different areas that people were struggling with, so the survey will be a great opportunity to focus on areas that we can specifically advocate for and create change in relation to finding out what our members would benefit most from.

We also have an Education Working Group which assists students with disabilities. So, this group are currently focusing on delivering a summer education programme and we started to reach out to legal firms in terms of creating tailored mentoring and coaching and careers advice service and also mock interviews. We recently had a meeting with Anna Bennett from the WS Society and are able now to offer one free place at each of their conferences to our members, and we're hoping to expand on this as part of the benefits that our members will receive.

Niamh:

Fantastic. So there's lots and lots of different things you have going on at the moment. Some are already in progress; some you're working through. What is the main next aim for Disabling barriers Scotland? Would it be fair to say that really key to your work moving forward is what the outcomes might be of the Current Issues Committee project and working on surveying and finding out what's facing people at the moment?

Fraser:

Yeah. At the moment, there's three strands to what we're what we're currently working on. The first would be that survey that will give us a platform to go on and find particular areas to advocate on that may be using our connection with the Law Society of Scotland, which we've done in the past.

To regulate and create change through regulation or maybe having meetings that are more informal with legal firms and saying, have you thought about approaching this in a different way?

And we've already been asked to provide training and support to legal firms in terms of their HR training on inclusivity. I think it's being recognised at the that legal firms can really benefit from listening to the voices of those with disabilities.

We've had meetings with the Scottish Parliament and also legal firms in terms of delivering that training, so that's something that we're looking to do.

At the same time as that survey is ongoing, we are setting up that education programme and Tom and I are due to go out to universities to advertise that to them and get them on board to hopefully implement that next summer.

And the final area that we're working on is in terms of growing our profile. So we have a in person launch event happening during Disability History Month.

The particularities of that are still being finalised, but we're having our members meet up in person and hopefully getting that publicised so that we can show the amazing work that our members and supporters have been working on.

Niamh:

Fantastic. Even more going on and I think one of the things that you've mentioned sounds like you've probably hit the nail on the head for what needs to be tackled in lots of different firms and organisations. The fact that we need to look at how to make these processes more equitable and more inclusive, and to work out what can be done to help people to thrive, to ensure that they can have the successful careers that they have the ability to have, and that they're able to then fully contribute all their skills and experiences. So I hope that all of that goes really well and that the survey will be insightful for you and will hopefully help you to forge your way forward and decide what next to tackle.

In terms of Tom, what sort of issues you hear that people are facing, has there been some sort of a theme so far in terms of the types of things that people reach out to you about or is it perhaps a bit too early to make some sort of a general comment on that? Or what types of stories are you hearing?

Tom:

There's various issues that crop up all the time, technology and the use of laptops etcetera can have the a lot of, it's the kind of conflict between old school and new school of working, working from home. Now that's not an issue that affects myself because do my job you have to be out and about, but a lot of people find it difficult to have their difficulty and then also work in an office environment five days a week.

I would also say, and I'd be remiss not to say that university experience and educational experience to gain the qualifications to have a career in law come up considerably. And I would say go as far to say that around the time of the launch and the times proceeding when I've met people from within the group or engage with them on social media that I've had messages about that and expressing their issues with that.

In terms of specific points we had a sheriff on and at my local court Hamilton and there was a few supporters who were on the zoom that day who took issue with the way they had

been spoken to by Sheriffs, before I, I would say generally the sheriffs are good as gold and they're very supportive and you can learn a lot from them.

I'd also have to add that the fact that in the past disabled lawyers have found issues with the way they've been spoken to in that sort of heated environment, that is the courtroom.

Niamh:

So, there's a lot there to still be tackled, really, I guess as you said, the way things have progressed, the way people work, sort of more old school thinking I guess there's still probably a lot of work to be done there. Helping people progress, helping organisations change their ways of thinking and helping to perhaps explain to them how making those particular types of adjustments may actually benefit so many people within their organisations.

Tom:

Well, the situation is that and Fraser mentioned this point earlier in the discussion that in the past disabled lawyers wasn't essentially a thing because it's hard become a lawyer in the first place. Never mind when you've got an issue, whether it's a learning difficulty, you know, neurodiversity or a physical element and that it's just that ourselves and others who are coming forward at this point that I think the profession at large hasn't really considered wait, there's other potential issues at hand here and that they need to be considered. A point would be formatting of certain websites you need to access myself and others have found that difficult but we're still in the early stages of this and I would say that the same issues keep cropping up.

Niamh:

Yeah. So there's not always the same issues, but actually a few things that might link different issues together and as you have talked about just starting from the stage that you're at perhaps isn't the isn't the starting point for people wanting to access a legal career. There's a lot of work that still needs to be done before that. And your group is intending to start that conversation that little bit earlier. Is that right Fraser?

Fraser:

Yes, I think we when we started the group had acknowledged that there was a fear of disclosure in a lot of cases, or perhaps that there were solicitors that were higher up in their career platform that had never disclosed a disability, so possibly didn't feel the need to.

So, it's been really inspiring the fact that when Tom and I did our articles and created a group, we've had advocates and partners in legal firms disclose their disability and we also have students within our group as well. So at our big meetings, there's been a lot of peer support and building that community and I think legal firms are really going to benefit from engaging with that community and driving their policies for inclusivity off of the voices of disabled people.

Rather than perhaps taking a blind guess, at what they might want, they can speak to them directly and figure out what it is that they're finding difficult. So that's definitely something that we've been doing is changing that conversation and we've had a lot of guest speakers come along to events and the conversations been a lot about

How do you manage your health condition in a professional career? And I think that information was to a large extent lacking before we started having these meetings. So yeah, yeah, absolutely. I think we're changing the conversation in a really positive way.

Niamh:

It's absolutely brilliant and I think it's one of the reasons that I've been so interested to hear when the group was set up and I've really enjoyed watching as the group has progressed across the year and hearing your updates of the different things that you're doing, because I think for us at LawCare as well, there's maybe a bit of overlap in some of the things that you're saying and some things that I'm hearing.

You know, in terms of people who work in the legal sector there quite often is a fear of lots of things. There is a fear, particularly as we are a charity who wants people to open up and to speak about times when they're having issues with their mental health, when their well-being isn't at its best and people really worry about that stigma that exists and that unfortunately still exists although we are hopefully starting to see a bit of a shift now, certainly post COVID, it seems that people nearly feel that they've been given maybe a wee bit more permission to be a bit more open, so it sounds like the work that you're doing sort of ties in with that as well. Helping to give people a bit more confidence to start the conversations that are difficult to have and often that can be just the nudge or the push that somebody needs to kind of help them, help them move on to their next stage and do what it is they need to get themselves in the space where they can thrive, and they can be successful.

Fraser:

That's a very interesting point in terms of the fear of disclosure. And it brought a memory back to me when I was sitting with my dad and trying to get advice in terms of do I disclose because there is that fear that when you disclose a disability, it will hinder your prospects of advancing in your career.

I think that fear is still very much alive, but I would like to think that we're able to change that by showing that partners in legal firms that they're disclosing their disabilities at that point and saying I've had this successful career, you can do it too. And we're also working on getting a totally anonymous way of raising points of advocacy to us. So that's something that I had in a discussion with the web developer the other day is having an anonymous form for people to post concerns or issues that they may be having and then they could get tailored advice without the need to ever disclose their name or e-mail address or any

contact details. So we would certainly like to be open to those people as well that do have that fear of disclosing.

Niamh:

Yeah, that's an absolutely brilliant idea. Appreciating that there can be so many different layers and things that are going on and when people have different diagnosis and different issues that they're facing themselves there isn't - again, there isn't a one size fits all as to whether you should disclose or whether you shouldn't disclose your work or how much information you need to disclose and obviously, you know, people may need to take more professional advice on that. But that sounds like a great starting point for people. If there was an ability for them to raise those questions that they're a bit scared of asking that even if that's a starting point for them and points them towards the right direction so that they can then take on board all the information, work out what works best for them and their personal scenario, to work out how to take things forward.

In terms of just sort of coming to a close here I guess, but I'd love to ask another couple of questions of both of you and then we will let everybody know how they can best connect with you and get involved with your work moving forward. So, Tom, if we could go back over to you, what would you say has been your proudest achievement so far with Disabling Barriers Scotland, bearing in mind that we're only what about 10 months into the journey? What's been the highlight so far this year?

Tom:

See to be honest because I don't really use Zoom and Teams see having to do all these different teams, I've actually got much better at doing Zoom calls, which is on a personal level I'm pretty proud of myself with. I appear in Glasgow Sheriff Court quite a lot of time, which is like now the second busiest court in Europe and the Wi-Fi and 4G availability is shocking essentially and we use a digitised system, I'll give them a shout Denovo. Denovo is the software and short in part because of my issues and I've been shouted at in the past by sheriffs for not knowing information at hand, despite the fact that I can actually access it due to the lack of tech in the court and there's no capacity for me to get 4G. So essentially after I think it was 30 plus emails, three different podcasts mentioned it, four in person meetings at the court, 25 tweets, 6 LinkedIn essays, 2 meetings and our Zoom meetings where it was brought up, a Journal article mentioned it, the Scottish Legal News mentioned it.

The Scottish Court Tribunal service finally released a press release stating that they would upgrade the services within the court and I would say that's been a couple of months and there's not been much change in that but we're also through the group Disabling Barriers, able to engage with the Sheriff Principle of Glasgow and she's brilliant and after that, we engaged with her through the organisation and she was quite quick to - essentially the Scottish Court & Tribunal Service took notice after.

So, I said in my original Journal article, that I could retire a happy man if I got upgraded those facilities in Glasgow Sheriff Court. Turns out that wouldn't be true. I wouldn't be happy anyway, but that's a more personal issue, but yeah, certainly being able to voice some issues over that and essentially, we formed Disabling Barriers, which it should be, which is a lobbying group to bring about change and to help people and to upgrade the legal system.

Niamh:

That's fantastic. You know, having all that engagement, and especially with the highest level of judiciary in the legal service in Scotland getting your foot in the door. And I'm guessing after those numerous tweets, articles, phone calls, they definitely do know your name now Tom and fingers crossed that that you get that endpoint. something that it sounds would be of great assistance to lots of people working in the courts system across Scotland and you know, I do hope that it comes around quickly, but don't retire just yet. I think you've got I think you've got plenty more to give. We'll get you qualified first.

Then, Fraser, your last question for you then ideally, what would you love to see change longer term, a long term aim throughout the work that you have really just started with Disabling Barriers Scotland?

Fraser:

I think I would have two aims and the first would be to encourage students that may be thinking of applying to study law, who might have faced barriers in their education in high school to know that they can go on and have a successful career in law even if they have a health condition, impairment, or disease.

I think knowing that there are people out there that want to help is something that we're looking to implement in terms of mentoring schemes, and it would be a real success to know that we had encouraged more students who were considering law but had fear of disclosing their disability to do so and to seek the help that they are legally entitled to and thoroughly deserve. So I think that would be the first main point that I would like to see change.

In terms of the second point that I would like to see change and that's something that we're I think we're going to have to work with other organisations on is getting more statistics around the current amount of people with a disability get gaining access to a professional career whether that is in law or marketing or finance. At the moment there is estimated to be an 18.5% pay gap, but it's not really understood why that pay gap exists, and I suspect that it's because of the barriers that are in place preventing people with a disability getting into a professional career rather than just a job.

Niamh:

Absolutely. And really I would have such great and high hopes for the fact that you are both out here being so open because personal stories are really just so powerful. It seems to really benefit people when they can see somebody who is like them, who is at a similar stage and who has just made it through

that part of the process, so they've just been through university, you can speak so openly and about your experiences and about how you worked through things.

So in terms of how people are able to get involved with Disabling Barriers, how can they join? How can they become a member? What exactly is the process? And you also had said that you did want to extend the invite to people who wanted to be allies to your group as well, and what's the best way for people to go about that?

Tom:

Essentially is through our e-mail address and mailing list at the moment, which is <mailto:mdisablingbarriersscotland@gmail.com>. We're also on LinkedIn, it's just Disabling Barriers Scotland. As we've said before, that it's trying to get a website and up and coming in other ways, but we have regular Zoom meetings with our team and they vary in attendance depending on annual leave or people's availability that night but we're active on our e-mail just now and it's still in its infancy obviously but if you if you email us on that address, we can add you to the mailing list and obviously engage with us in LinkedIn.

Niamh:

Perfect. Well, thank you both very much for joining me today, it's been great to get a bit more of an insight to everything you're doing. And as I said, at LawCare, we're absolutely delighted to see the leaps and bounds that you're taking and that you have done in such a short amount of time.

And I feel a bit exhausted. Actually, having listened to the list of all the things that you've got coming up. So I wanted to wish you all the very best for all your upcoming projects, including your in person launch as part of UK Disability History Month. And I also know that Tom has a fight scheduled in for the 11th of November, where he will also be raising more funds for the group that has been promoted on the LinkedIn pages. So, if anybody wants to find out some more or how to support via that method please go and have a look on LinkedIn.

I just want to thank everyone for listening and to encourage people to reach out and connect with Disabling Barriers Scotland to support them and to follow them on their journey. You can connect with the official pages that Tom outlined there or connect directly with Tom or Fraser.

And if you would like to join us at our upcoming free webinar Tom is going to be joining us as one of our panellists, the heading of the webinar will be Let's talk about neurodiversity. And that's going to be held on the 30th of November at 12:30 PM. If you go to the LawCare

website, you'll be able to find out more details about signing up and if you happen to be listening to this recording after that session, then again, if you pop along to our website, we will be posting a video of the webinar once it's been created.

So if you have an opportunity, it would also be fantastic if you could rate review and subscribe to our podcast to help more people find out about LawCare and what we do and if you feel that you personally need some emotional support about whatever you're going through, you can contact LawCare on our free helpline which is available Monday to Friday 9 to 5 on 0800 279 6888 or you can visit our website: www.lawcare.org.uk .

Many thanks for listening.