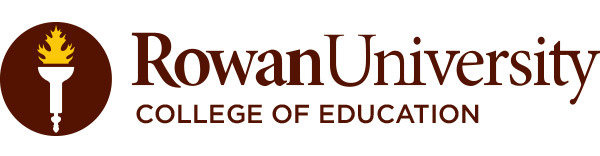


**Improving Access to Justice for Deaf People in Northern Ireland**

**Summary Report for DAG**

**Dr Bronagh Byrne, Dr Brent Elder and Dr Michael Schwartz**

**December 2019**

****

**1. What was the research about?**

In this report, we present a summary of the research findings from our project funded by ‘Disability Research on Independent Living and Learning’ (DRILL). The overall aim of the project is to improve access to justice for Deaf people in Northern Ireland. The project partners are British Deaf Association Northern Ireland (BDA(NI)), the Deaf Advisory Group (DAG), and researchers from Queen’s University Belfast, Syracuse University in the U.S., and Rowan University in the U.S.

As part of the project the researchers, Dr Bronagh Byrne, Dr Michael Schwartz and Dr Brent Elder, met with legal professionals. The term ‘legal professionals’ includes: solicitors, barristers, prison officers, police officers and judges.

The aims of the research were to find out:

* Whether legal professionals have worked with Deaf people before;
* If legal professionals know how to communicate with Deaf people properly;
* Ways legal professionals could help Deaf people access the justice system;
* Kinds of training legal professionals need.

**2. How was the research done?**

Between November 2018 and January 2019, the researchers carried out interviews with different legal professionals. Most of the interviews were group interviews. These are called ‘focus groups’. Some interviews were one to one interviews called ‘individual interviews’. This was because it was hard to get everyone in the same place at the same time for a group interview.

In total, we interviewed 35 legal professionals. The numbers of each group we spoke to can be seen in the table below.

|  |  |
| --- | --- |
|  | **Number of people we interviewed** |
| Police officers | 4 |
| Prison officers | 12 |
| Solicitors | 3 |
| Judges | 4 |
| Barristers | 3 |
| Tribunal members | 9 |
| **Total** | **35** |

The research team asked the DAG for advice throughout the research. The DAG advised on who we needed to speak to and the kinds of questions we needed to ask.

**3. What did we find out from the research?**

**a. Legal professionals have not worked with many Deaf people before.**

The legal professionals we spoke to did not have a lot of experience of working with Deaf people. Police officers that we interviewed felt that Deaf people were less likely to report crime compared to hearing people. This is worrying because it means that there could be an ‘under reporting’ of crime.

Deaf people also appear to use legal services, like solicitors, less than hearing people. Some of the judges we interviewed said they had never had a Deaf person in their court room.

The legal professionals felt that they had a responsibility to meet with Deaf people more. They felt this might help Deaf people feel more comfortable in reporting a crime or in approaching solicitors for legal advice.

One judge suggested a meeting between the Deaf person and the judge before a court case might be useful. This is called a ‘pre-hearing’. The judge said:

*‘I think that what we should have [for] people who are Deaf is a pre-hearing where they can come with interpreters.  We can sort out what the issues are as well as judge the [effectiveness of the] communication’.* (Judge)

**b. Legal professionals had little knowledge about how to book or work with an interpreter**

Most of the legal professionals we interviewed did not know how to book an interpreter. They said this was because they had not needed one before. For example:

Interviewer: *If you were asked to book an interpreter, would you know how to do that?*

Response: *I wouldn’t have a clue* (Solicitor)

Police officers knew how to book a foreign language interpreter if they needed one but did not know if they could book a sign language interpreter in the same way. None of the legal professionals we spoke to were aware of the video relay services like SignLive or SignVideo.

Some of the legal professionals we spoke to were worried about the length of time it took to book an interpreter. Barristers were worried that if a Deaf person needed an interpreter in a court case that it might take a few weeks to get one and that this could delay the case.

Police officers were worried about the amount of time it might take for an interpreter to arrive if they were arresting a Deaf person and that this might lead to a delay in telling the Deaf person why they were being arrested and what their rights are.

Prison officers told us that interpreters would only be booked if there was important information to be given to a Deaf prisoner.

There appeared to be a lack of knowledge among the legal profession of how to work with a sign language interpreter in the room, who to make eye contact with and who to direct questions and answers to when an interpreter was present.

Legal professionals were not always clear about who should pay for interpreters. This was a particular issue for solicitors. Solicitors were worried that they would not be able to afford to pay for interpreters if a Deaf person came to them.

One solicitor suggested that a fund be set up that all solicitors contribute to and that this could be used to pay for interpreters when needed.

**c. The legal system is designed with hearing people in mind, not Deaf people**

It is important that the legal system is redesigned so that it is accessible to Deaf people. At the moment, the barriers that exist mean it is hard for Deaf people to access the legal services they need.

Our research found that while there is a lot of legal information available online or through information leaflets, there is no information available in sign language.

One solicitor we spoke to said there was a need for more training so that legal professionals know how to make information accessible. They said:

*“[Lack of access] does come from ignorance on the part of the profession. It doesn’t come from any ill will.”* (Solicitor)

There are also physical barriers that need to be changed such as intercoms at entrances to police stations or solicitor offices.

Prison officers we spoke to described the barriers Deaf people face when in prison. As soon as Deaf people are placed in prison, they immediately experience a system that was not created for them. For example, there is limited access to video phones within prisons and alarm systems are not accessible. This means that prison can be a very isolating place for Deaf people. There is also concern that Deaf prisoners may be at a greater risk of being bullied by other prisoners.

The researchers also spoke to judges about jury service. At the moment, a Deaf person who uses a sign language interpreter is not allowed to be on a jury. This is because only the jury is allowed to be in the room when deciding whether someone is guilty or not guilty. We asked the judges what they thought about this. Some judges were worried that interpreters would not keep information confidential. They said that for anyone else to be allowed in the same room as the jury, there would need to be a new law.

**d. Training for legal professionals is important**

Everyone we spoke to said that BSL/ISL Equality Training was important in helping to improve access to justice for Deaf people in Northern Ireland. It was suggested that people needed to receive BSL/ISL Equality Training when they start their job as well as when they have been in their job for a long time. One police officer told us:

*It has to be brainwashed into them [police officers] in the college, because if you do it afterwards when they’re under pressure they’ll forget, you know? You forget the new skills; you remember the old skills that you were taught in the police college.* (Police officer)

There were different views on whether training should be online or face to face. A lot of the legal professionals felt that online training was good but that face to face training was better. They also wanted Deaf people themselves to be involved in delivering the training. For example, a judge told us:

*It brings it home more when you’ve got someone there [in the training session] who actually has that difficulty on a day to day basis and has to deal with it.* (Judge)

Legal professionals said they wanted to know more about how best to communicate with Deaf people and how to work with an interpreter. For example, one member of a Tribunal told us:

*It’d be good just to, in a training session, to be talked through how you answer, ask the question, and who do you look at, and who do you look at whenever they’re responding? Are you listening to the interpreter or are you listening to, are you looking at the person who is Deaf? Those basic things. Because you want it to be respectful.* (Tribunal panel member)

**Conclusion**

There is a lot of work that needs to be done to improve access to justice for Deaf people in Northern Ireland. However, the legal professionals we spoke to were very keen to work with the Deaf community to do this.

Based on the findings from the research in this report, we have made recommendations for legal professionals including the following groups of people:

* Police officers
* Prison officers
* Solicitors and barristers
* Judges
* Tribunal panel members
* Government policymakers

Recommendations for all legal professionals

* All new or trainee legal professionals from the above groups should receive BSL/ISL Equality Training. This should be delivered by Deaf people.
* BSL/ISL Equality Training should be offered to legal professionals throughout their careers. Training should be delivered by Deaf people.
* Legal professionals should have the opportunity to get qualifications in sign language.
* All legal professions should have a clear policy in place on how to book a sign language interpreter. This policy should be developed in partnership with Deaf people.
* Only sign language interpreters who are fully qualified and officially registered should be used.
* Where sign language interpreters are not available in person, signed video relay services should be used rather than pen and paper.
* All public information videos should be captioned and signed in both BSL and ISL.
* Information online should be signed in both BSL and ISL. Deaf people should be involved in producing this.
* All legal professions should undertake a Deaf Accessibility Audit of their offices and buildings in Northern Ireland. This should be done in partnership with Deaf people.

We have also made specific recommendations for some legal professionals in addition to the above:

Prison Services

* All Deaf prisoners should be offered an accessibility assessment meeting on their arrival to discuss their needs and ensure support is in place. This meeting should, in itself, be communication accessible.

Law Society

* The Law Society should establish and facilitate a pooled funding mechanism which all solicitors contribute to and which they can use when they need to access an interpreter.

Bar of Northern Ireland

* Barristers should tell the Courts and Tribunals Service, and the Judge’s office of their clients’ communication needs as early as possible.

Judges and Tribunal Service

* There should be meetings before court cases of tribunal cases (‘pre-hearings’) so that communication arrangements (e.g. positioning of interpreter, seating and lighting for lip-reading) can be organised

Department of Justice

* The Department of Justice should make changes so that Deaf sign language users can be a member of the jury. This might mean making changes to the law.
* The Registered Intermediary Scheme include Deaf people. A Registered Intermediary is someone who can provide support if a Deaf person goes to court or is interviewed in a police station. Deaf people should be given the opportunity to train as a Registered Intermediary.
* Deaf people should be involved in the designing policies with the Department of Justice.
* There should be more Deaf people on public bodies related to the Department of Justice.