'Specific Learning Difficulties' in the Criminal Justice System

CHALLENGES & HELPING HANDS

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SESSION OUTLINE

1.Overview of Specific Learning Difficulties

2. Vulnerabilities of those who come into contact with CJS

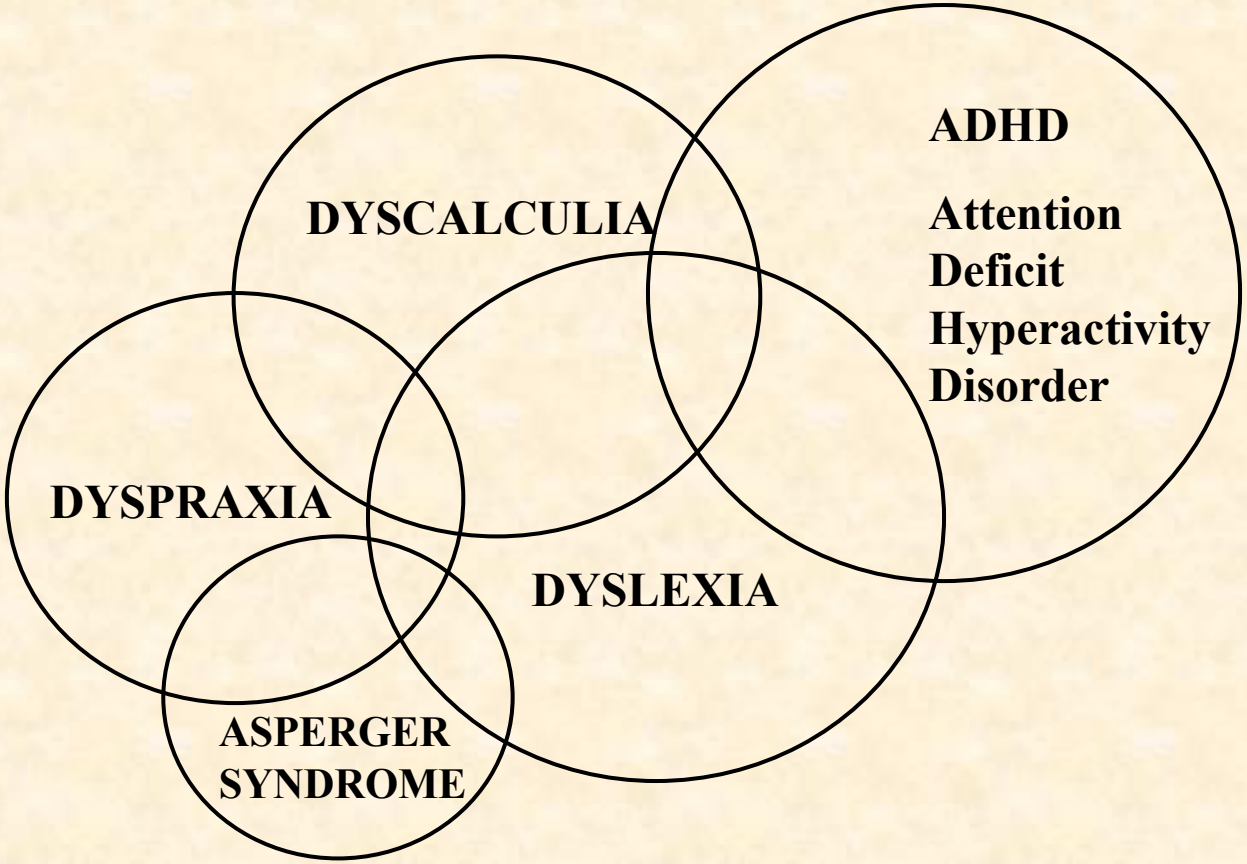
3. ‘Helping Hands’, Provisions & promoting Good Practice





Overview of 'Specific' Difficulties

THE FAMILY OF 'SPECIFIC' LEARNING DIFFICULTIES



TERMINOLOGY CONFUSION

In Children: SEN = Special Educational Needs. In schools/colleges: SpLD = Specific Learning Difficulties OR Differences.

ADULTS: Neuro-diversity [ND] - *NEVER* 'Learning Disabilities'

AUTISTIC SPECTRUM CONDITION
Associated with learning disabilities

ASPERGER SYNDROME

inability to see other's point of view

over-reliance on routines, inflexible

taking everything literally; very blunt; *stick to their version of the situation - word for word*

slow processing of information

impaired social skills, low emotional intelligence

inappropriate behaviour; may not maintain eye contact

may have obsessive interests in limited range of areas

panic reaction *may appear aggressive*

A JOKE?

Judge: Have you lived in Manchester all your life?

Defendant: Not yet!

ATTENTION DEFICIT HYPERACTIVITY DISORDER

1. **Inattentive:** distractibility, problems remaining focused, failing to pay attention, miss the detail.

2. **Impulsive:** poor inhibition, interrupting, blurting out comments.

3. **Hyperactive:** both physically and mentally: risky behaviour, restless, garrulous, attention seeking, accident- & addiction-prone.

exasperating! 'not taking the situation seriously'

The following areas are usually affected in ADHD:

listening skills; attention span; organisation; seeing something through; taking account of consequences of actions and feedback

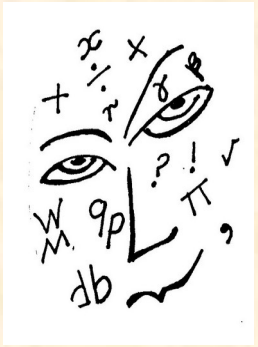
ATTENTION DEFICIT DISORDER [ADD]

dreamy, poor concentration, off task, 'spaced out'

DYSCALCULIA

inability to understand number concepts, so……..

problems with time-telling, dates, money/finance, sequencing, *recalling information involving numbers* (personal info)



DYSLEXIA [DYS-LEXIA]

inefficient processing of *language-based info*

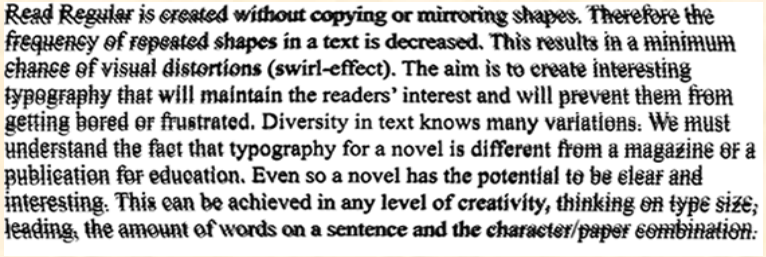
educational under-achievement

short-term and *working memory problems*

organisation & time-management usually affected

may suffer from *Visual Stress*

Visual Stress affecting people with Dyslexia, Dyspraxia, Migraines & Epilepsy


Read Regular is created without copying or mirroring shapes. Therefore the frequency of repeated shapes in a text is decreased. This results in a minimum chance of visual distortions (swirl-effect). The aim is to create interesting typography that will maintain the readers' interest and will prevent them from getting bored or frustrated. Diversity in text knows many variations. We must understand the fact that typography for a novel is different from a magazine or a publication for education. Even so a novel has the potential to be clear and interesting. This can be achieved in any level of creativity, thinking on type size, leading, the amount of words on a sentence and the character/paper combination.

Example of Visual Stress

Visual Stress makes reading very challenging.

Symptoms include losing the place; headaches and sore eyes when reading; missing out and misreading words; a glare from white paper; blurring or moving of text. There are often problems reading from a screen.

See further info + checklist: http://www.dyslexia-malvern.co.uk/docs/visualstress

POSSIBLE (PARTIAL) SOLUTIONS

1) Check whether reading glasses are needed or if dark glasses are beneficial.
2) Does a coloured overlay help? (These should be available from prison Educn.)
3) Dim the computer screen and help change background colour to a more 'comfortable' shade.
4) Ensure that written materials, digital systems etc. conform to good practice and do not trigger symptoms of Visual Stress.

The best solution is a comprehensive eye test by a specialist optometrist

DEVELOPMENTAL CO-ORDINATION DISORDER

or DYSPRAXIA affects:

co-ordination: (fine and/or gross motor skills) ***clumsy or drunk?***

speech: poor articulation, *lack of control over volume of speech*

social skills: may appear tactless, disregard body language

posture: poor muscle tone, clumsy

PARTICULAR PROBLEMS

: coping with change and new situations

: sensory overload

: *poor orientation and navigation*

PLEASE NOTE

- Challenging behaviour may mask a Specific Learning Difficulty

- People with these conditions may also have a mental heath problem and have been picked up by Healthcare (in prisons)

WHY DOES THE CJS NEEDS TO KNOW ABOUT SpLD?

PREVALENCE in the GENERAL POPULATION

Studies show that around 10% of the general population is affected by these conditions to some extent (5% severely)

RESEARCH STUDY on PRISONERS

"The Incidence of Hidden Disabilities in the Prison Population" (2005)

CONCLUSION: *Just under 20% have a hidden disability* affecting learning and employment, such as Attention Deficit Disorder ie 1/5 of the prison population (of 84,000)

PLEASE NOTE

Professional reports from those who are not specialists in these conditions can be very misleading



Vulnerability of People with 'Specific' Difficulties in contact with the CJS

ASSOCIATED DIFFICULTIES	IMPLICATIONS / IMPACT
Poor reading skills Visual stress	Unable to check their statement. Misread official letters e.g. 'Bailed to Return'. Don't take in their *Rights & Entitlements.*
A weak working memory	Don't retain oral information. Inconsistences/partial responses.
Misinterpreting situations, instructions, body language	Exacerbate a difficult situation. Behave inappropriately.
High levels of distractibility Short attention span	Not paying attention. Soon reach mental overload. Miss vital info.
Poor speaking and listening skills	Replies are incoherent/imprecise. Misunderstandings arise. Lose the thread of what is said.
Poor sequencing skills. Poor navigation. Left/right confusion	Provide inconsistent information. Events relayed in the wrong order. Get lost – miss appointments.

VULNERABILITIES

Many people with SpLD have un-addressed and hidden vulnerabilities and struggle with aspects of everyday life.

CJS processes, being 'language-heavy', are very demanding.

How well they cope depends on several factors:

(1) the severity of their difficulties; (2) inner resources e.g. intelligence, spirituality; (3) the ability to deploy coping strategies; (4) external factors; (5) stress levels.

Effects of Stress

- ❑Areas of difficulty (eg dyslexic problems) are exacerbated
- ❑Coping strategies no longer operate
- ❑It becomes impossible to process information
- ❑There may be an outburst of anger or frustration
- ❑Experience of 'overload' – then 'shutdown'



COPING with FORMAL QUESTIONING [police-court-parole]

A 'Neurodiverse' focus group elicits a range of difficulties:

- a build up of stress until we cannot function at all
- coping with strangers in unfamiliar settings
- following the line of questioning, retaining what has been said
- problems maintaining concentration and focus
- feelings of sensory overload from bright lights and sounds etc.
- struggle to give accurate answers re: dates/times/places/names
- difficulty providing consistent information on sequences of actions
- maintaining eye contact during conversations
- reading accurately in stressful situations



>> all this feels like we are losing credibility

Routes to support and better understanding

- **Official guidance** – consistent across the sector [MoJ; HO; Judiciary]
- **CPD**: 'Awareness Level' for all and 'Support Level' for key staff
- **Disability / 'Vulnerability':** provisions linked to Legislation, 'Mandations'
- **Diversity & Inclusion**: Good Practice to improve Accessibility for all
- **Human Support**: eg Appropriate Adults; (Registered) Intermediaries
- **3rd Sector:** eg Shannon Trust (Reading Plan); Prison Phoenix Trust



ABILITIES LINKED TO SpLDs

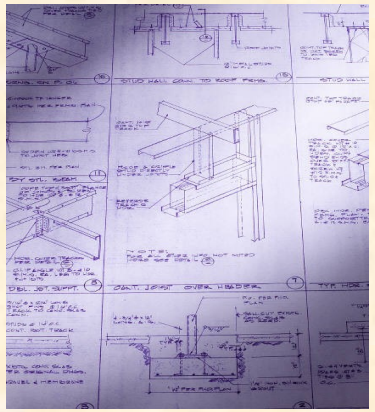
- Creativity & originality
- Visuo-spatial skills
- Visualisation
- Intuitive approach
- Lateral thinking / problem solving
- Entrepreneurship
- Affinity for colour / rhythm
- [Good oral skills]





Specific Learning Difficulties / Differences
= a different way of thinking & processing information,
due to neurological differences in brain formation & function

People with SpLDs
are often Visual thinkers,
Verbal communication may be challenging



Tom West *In the Mind's Eye* (1991)
"For some people the handicap and the gift may be two aspects of the same thing.
How we perceive it depends entirely on the context."

Asperger Syndrome: AWARENESS and GOOD PRACTICE

-Provide the individual with a **set of rules**, explaining any exceptions

-Try and give **advance notice** of any changes to routine

-Formal interviews are easier to manage if questions are written and submitted in advance. Answers can then be considered and written down

-Ask **specific questions** rather than open questions.

-Avoid abstract concepts, metaphor & nuances. Communications must be **unambiguous**.

-Due to high **stress le**vels, allow 'time out' to recover during sessions.

-In restorative processes, take into account that showing empathy and seeing things from someone else's point of view may not be possible.

-Take steps to accommodate any **hyper-sensitivity**.

- Ensure that all staff are aware. **Personal space** is important

SpLD AWARENESS - a range of behaviours can give rise to misleading impressions during questioning:

- inconsistencies could imply 'untruthfulness'
- failure to grasp the point of the question or missing

part of a question seems to be 'evasive'

- hesitancy can suggest you are 'unsure about your story'
- a lack of eye contact can be misinterpreted as being 'shifty'
- inflexibility suggests sticking to a pre-determined 'story'
- a stress reaction can be misinterpreted as 'aggression'

OR is this a **Disability issue?**

Is there an Education, Health and Care Plan? (EHCP up to aged 25)

DISABILITY LEGISLATION



Equality Act 2010

Definition of a Person with a Disability:

A person has a disability if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day to day activities

***Reasonable Adjustments* should remove barriers for disabled people where they are placed at a substantial disadvantage.**

The Public Sector Equality Duty 2011 requires equality considerations to be reflected into the design of policies and the delivery of services, including internal policies, and for these issues to be kept under review.

Youth Justice & Criminal Evidence Act 1999

Eligibility for *special measures* such as Intermediaries

‘Reasonable Adjustments’ [RA] in Court Hearings

<u>Each request for RAs should be personalised</u>

In general, people SpLDs cope better with questioning IF:

they never have to respond immediately to new documentation

they are allowed to have breaks, as necessary

they are asked direct, straightforward questions – ideally following the chronology of events

they are encouraged to take their time in replying

they are allowed to refer to notes or sketches

allowances are made for hesitations, inconsistencies, word-finding problems and misunderstandings

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POLICE: help is provided when going through their statement

Police & Criminal Evidence [PACE] Act The revised Function Test

1.13(d) '*risks to justice'* eg High levels of suggestibility and compliance.

1.G 'simply because an individual does not have, or is not known to have, any *[mental health]* condition or disorder, does not mean that they are not vulnerable for the purposes of this Code.'

'It is therefore important that the custody officer … considers on a case by case basis, whether any of the factors in 1.13(d) might apply to the person in question'.

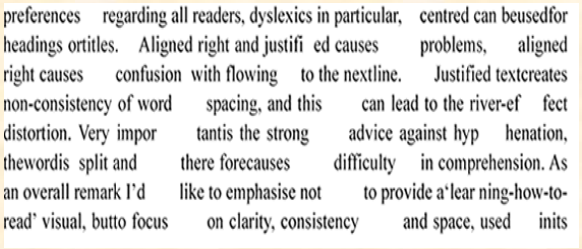


<Helping Hands> in police custody: the Appropriate Adult

- ❑Private consultation to ascertain what suspect can/can't do
- ❑Ensuring suspect understands what is happening *[e.g. EARLY GUILTY PLEA]* and the roles of those present
- ❑Check his/her grasp of *Rights & Entitlements,* and facilities
- ❑May need to request a quieter environment / reduced lighting
- ❑Request breaks to restore concentration

GOOD PRACTICE in Written Communications

This will help to minimise Visual Stress and improve readability


preferences regarding all readers, dyslexics in particular, centred can beusedfor headings ortitles. Aligned right and justifi ed causes problems, aligned right causes confusion with flowing to the nextline. Justified textcreates non-consistency of word spacing, and this can lead to the river-ef fect distortion. Very impor tantis the strong advice against hyp henation, thewordis split and there forecauses difficulty in comprehension. As an overall remark I'd like to emphasise not to provide a'lear ning-how-to-read' visual, butto focus on clarity, consistency and space, used inits

Justified text makes it harder for the reader to transfer to the next line accurately and introduces irregular spacing, described as 'streams of white'

WORDS in CAPITALS disguise the shape of a word for readers using a 'whole word recognition strategy'.

ALWAYS ASCEND AND DESCEND STAIRS ON THE LEFT HAND SIDE

GENERAL GUIDANCE FOR DIGITAL TEXT & WRITTEN COMMUNICATIONS

- ✓clear uncluttered text, laid out in a consistent fashion
- ✓short sentences; main points picked out in **bold** (not CAPITALS)
- ✓graphics to flag up content, flow-charts and boxed summaries
- ✓glossary of terms and abbreviations provided at the start of each section

PRISON REFORMS 2019 Mandation 12:
Forms and digital systems available and/or deigned with suitable adaptations to support those with dyslexia and other LDD

ACCESSIBILITY for ALL



Consistent colour-coding to assist with navigation / way-finding

HMP Whatton

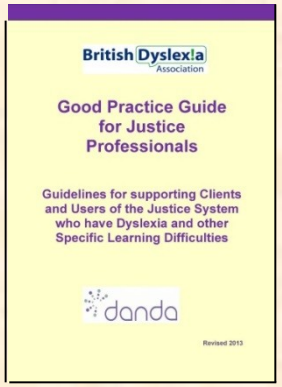
MELANIE JAMESON: RESOURCES

All available from www.dyslexia-malvern.co.uk/resources

1. Specific Learning Difficulties in Prisons – 8 linked booklets, namely

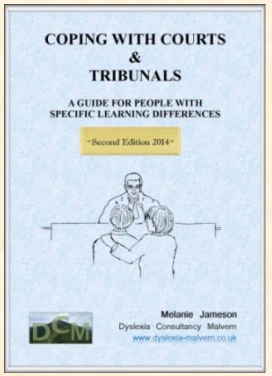
SpLD Overview; Support for literacy & numeracy; Foreign nationals; ICT; Accessibility, diversity and disability; Work preparation; Resources/links

2. The Good Practice Guide for Justice Professionals



3. Coping with Courts & Tribunals:

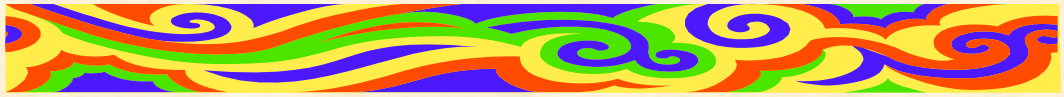
A Guide for People with Specific Learning Difficulties



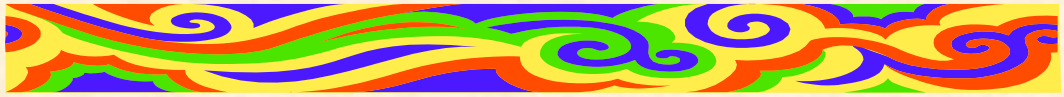
4. Vulnerability of Adults with Specific Learning Difficulties in Police Custody

5. *'KIWIs'*
information sheets on dyslexia/related conditions in justice settings
They comprise:
K = Key Facts
I = Impact of the SpLD
W = Ways of Working
I = (Further) Information





ANY QUESTIONS?



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