

# People with learning disabilities and the criminal justice system

## Useful information

### Introduction

This short paper contains useful information for those working within the criminal justice system who may come into contact with people with learning disabilities. We know that evidence from the Prison Reform Trust shows that up to 7% of adult prisoners have an IQ under 70; another 25% have an IQ under 80 (this is higher in children and young people). 60% of prisoners have problems with communication - either understanding or expressing themselves or both. Prisoners with learning disabilities are five times more likely than other prisoners to experience control and restraint, three times more likely to experience segregation and three times more likely to have depression or anxiety. Serious concerns are still being raised about whether people with learning disabilities accused of a crime will get a fair trial and, if found guilty, whether sentencing will take account of the reasonable adjustments they may need in order to comply with the sentence.

Practitioners in this field have told us they need more information about ways of adapting their practice, referral routes for specialist services, and resources available to support people with a range of learning disabilities or difficulties. We hope this paper provides some ideas to improve practice.

### What is a learning disability?

There is often confusion between what learning disabilities and learning difficulties are.

The Department of Health defines a learning disability as:

- A significantly reduced ability to understand complex information or learn new skills (impaired intelligence)
- A reduced ability to cope independently (impaired social functioning)
- A condition which started before adulthood (18 years of age), and has a lasting effect.

Department of Health, 'Valuing People' White Paper (2001)

Whereas, 'a specific learning difficulty is defined by specific problems processing certain types of information. It does not affect the overall intelligence ('IQ') of a person. It is common for a person to have more than one specific learning difficulty and/or other conditions'. Department of Health, 'Positive Practice, Positive Outcomes' (2011)

This paper lists resources appropriate primarily for people with learning disabilities.

# 1. Where or to whom can we refer people on?

## Community Learning Disability Teams

Your area is likely to have a local community learning disability team (CLDT) that supports people with learning disabilities and their families. Teams vary widely; often they have eligibility criteria that restricts them to working with adults (sometimes with young people in transition) and to people with an IQ of 70 or less. Some are more flexible about including people with milder learning disabilities. Some include people on the autistic spectrum even if they do not have a learning disability.

Some teams are joint health and social care teams and some are separate. Most teams have at least community learning disability nurses and social workers/care managers; many have a wider membership including the following:

- occupational therapy
- speech and language therapy
- physiotherapy
- psychology
- psychiatry

They should know about all the local services that can support people with learning disabilities, including housing and employment.

In some areas there are forensic learning disability teams. Some of these have access to forensic in-patient services. Some offer offending behaviour programmes that have been adapted or designed specially for people with learning disabilities (e.g. thinking skills or programmes for sex offenders).

Many learning disability teams operate a model of supporting other services and co-working to ensure that people with learning disabilities gain access to the right mix of skills.

## Mental health services

People with learning disabilities should have equal access to mental health services and in some boroughs there are strong working relationships between mental health and learning disability services that make this work well. There is evidence that people with learning disabilities can benefit equally from psychological therapies such as CBT, provided that some reasonable adjustments are made. Some mental health services are, however, still reluctant to accept people who have a learning disability in addition to a mental health problem.

You may come into contact with young people who have had support from CAMHS (Child and Adolescent Mental Health Services). This is less common for young people with learning disabilities, who often miss out on identification of and good support with mental health problems.

Some areas also have specialist autism services that provide mental health and general support to people with autistic spectrum disorders.

## Advocacy

Advocacy ensures that minority and disadvantaged groups in society have a means to know about, and gain, the same life opportunities as others. Independent or citizen advocacy is about speaking up for someone who has difficulty in getting their voice heard. It is about spending time with them and getting to know their wishes and then supporting them to bring about the changes they desire in their lives. It is about putting the person in control of their lives. Self advocacy is about speaking up for yourself.

New evidence shows that investment in advocacy services is relatively stable, but there has been a shift from support for small local self advocacy groups to large professional organisations. Some excellent local organisations have closed. Some

have been required to limit the referrals they accept to people who meet social care FACS criteria. However, it is well worth finding out what local organisations exist and whether they can work with offenders with learning disabilities. (Some may be confident about working with offenders, but not about learning disability, and vice versa).

People with learning disabilities may also require professional advocacy (such as an Independent Mental Capacity Advocate or an Independent Mental Health Advocate).

To find out more about the advocacy services in your local area, contact the Advocacy Resource Exchange (ARX)

- <http://www.advocacyresource.org.uk/>

To find out about self-advocacy groups also see:

- <http://www.peoplefirst.org.uk>

- <http://www.selfadvocacy.net/united-kingdom/>

- <http://www.actionforadvocacy.org.uk>

For advocacy training for people with learning disabilities see CHANGE

- <http://www.changepeople.co.uk/showPage.php?id=21>

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## 2. Written or pictorial information for people with learning disabilities

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### Prison Reform Trust/Department of Health

Information book for prisoners with a disability (easy read resource published in 2009):

- <http://tinyurl.com/c7a9mch>

### CHANGE

Change is an organisation that has developed a resource of images for people with learning disabilities about the criminal justice system. The CD contains 550 images about being arrested, going to court, going to prison and coming out on licence. The images can be used by anyone working to support vulnerable adults who are going through the criminal justice system. The pictures can make information more accessible for people with learning disabilities or anyone who finds reading hard. CHANGE has worked with adults with learning disabilities in developing these images.

See:

- <http://www.changepeople.co.uk/pictureBank.php?id=2554>

CHANGE also provide hate crime training:

- <http://www.changepeople.co.uk/showPage2.php?id=31>

### Books Beyond Words

Books Beyond Words tell stories in pictures to help people with learning and communication difficulties explore and understand their own experiences. Books Beyond Words help people learn about life and how to cope with life's bigger challenges, such as love and relationships, health, death and crime. They have produced the following two books related to crime:

- You're on trial

- You're under arrest

<http://www.booksbeyondwords.co.uk/node/30>

A new book on being in prison is in preparation and is likely to be published April 2013.

## Photosymbols

Photosymbols Limited was started in Bristol in 2003, to provide high quality pictures for easy read information, building on work they had done within the NHS. The company's mission is to provide the tools to help people make better easy-read information. Their pictures will always show a positive image of disabled people, be simple to use, and cover a wide range of subjects. A licence is required.

See:

- <http://www.photosymbols.com>

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## 3. Other resources

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### UK Forensic and Learning Disability Network

An electronic network facilitated by Janet Cobb:

- [www.jan-net.co.uk](http://www.jan-net.co.uk) or

- <http://network.autism.org.uk/welcome>

### Circles of support

Circles of support have been used in particular with sex offenders, and are also used to widen social networks for people with learning disabilities.

Circles of Support and Accountability are an innovative and successful community contribution to reducing sex offending, working in close partnership with criminal justice agencies. Circles UK is a national body supporting the development, quality, co-ordination and effectiveness of local circles.

- <http://www.circles-uk.org.uk/>

To see how to set up a circle and read about more examples of circles in practice:

- <http://tinyurl.com/cut8r5a>

and for information on enduring circles and the role of facilitators see:

- <http://www.peteandwendycrane.co.uk/>

### Autism

Autism in adults (National Clinical Institute for Excellence)

This clinical guideline offers evidence-based advice on the diagnosis and management of autism in adults:

- <http://guidance.nice.org.uk/CG142>

Autism Strategy: Fulfilling and Rewarding lives

- <http://www.autism.org.uk/working-with/autism-strategy.aspx>

### Fetal Alcohol Spectrum Disorders (FASD)

There is a growing interest in this group of people within the UK, many of which have not received a formal diagnosis. People with FASD are more likely to break the law more frequently than someone unaffected by FASD.

For more information see:

- <http://tinyurl.com/bo9t2dy>

- <http://tinyurl.com/cmwwjbq>

## Prison Reform Trust

No one knows project:

- <http://tinyurl.com/d3y6yzf>

Vulnerable Defendants in the Criminal Courts: a review of provision for adults and children:

- <http://www.prisonreformtrust.org.uk/uploads/documents/courtreport.pdf>

Fair Access to Justice?: support for vulnerable defendants in the criminal courts:

- <http://www.prisonreformtrust.org.uk/Publications/vw/1/ItemID/156>

Bromley Briefings: prison factfile June 2012:

- <http://tinyurl.com/co56hts>

## Other published resources

Positive Practice, Positive Outcomes: a handbook for professionals in the criminal justice system working with offenders with learning disabilities:

- <http://tinyurl.com/4pcwat4>

Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system:

- <http://tinyurl.com/cafvcn>

Court experiences of adults with mental health conditions or learning disabilities:

- <http://tinyurl.com/bs89fuk>

Speech, language and communication needs of young offenders:

- <http://tinyurl.com/d6hh2x2>

## Training

A new training programme has been developed by the Foundation for People with Learning Disabilities around awareness of learning disability issues for practitioners working within the criminal justice system.

Our training can be tailored to the needs of the organisation and can be run either in-house or at our London office. Our trainers have extensive experience of working with people with learning disabilities and running training programmes around learning disability awareness.

To find out more about the training we can offer please see

- <http://www.fpld.org.uk/publications/>

## The Foundation for People with Learning Disabilities

We work to break down the economic and social barriers and prejudice that people with learning disabilities face throughout their lives.

We promote the rights, quality of life and opportunities of people with learning disabilities and their families. We do this by working with people with learning disabilities, their families and those who support them to:

- Do research and develop projects that promote social inclusion and citizenship
- Support local communities and services to include people with learning disabilities
- Make practical improvements in services for people with learning disabilities
- Spread knowledge and information

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