



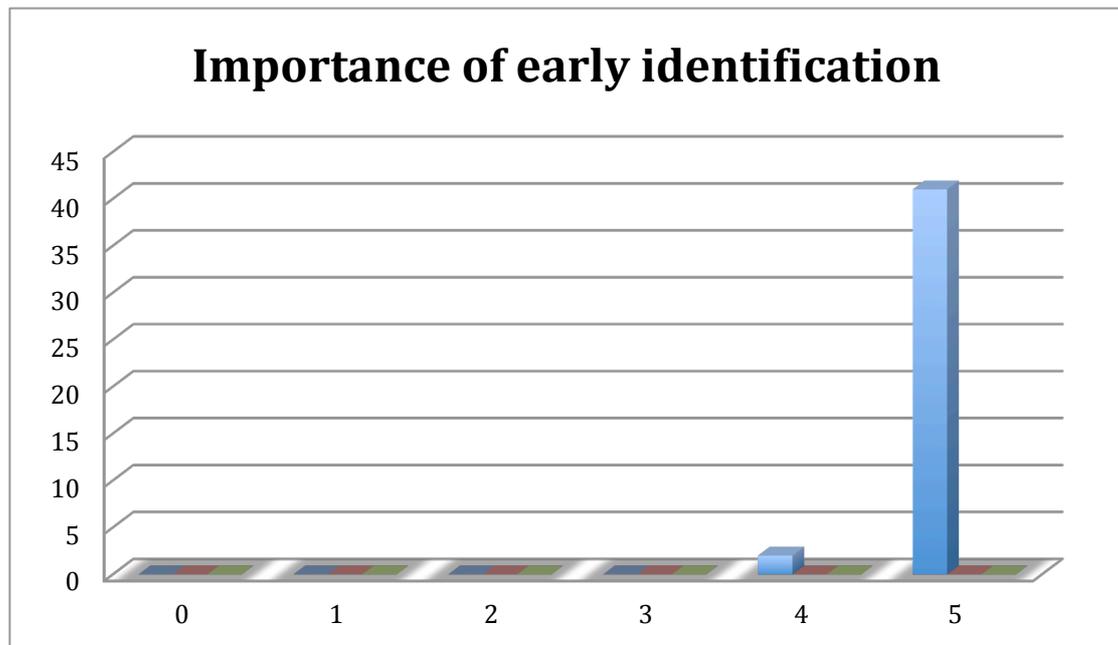
## Questionnaires

Delegates were asked to fill out a questionnaire during the event. The questionnaire asked seven questions. Again, this invited delegates to share with us their opinions on issues of support from arrest to court.

The following presents details of the findings, both quantitative and qualitative, from those questionnaires.

**Q1. How important do you think it is that people with learning disabilities are identified at an early stage in the criminal justice process?**

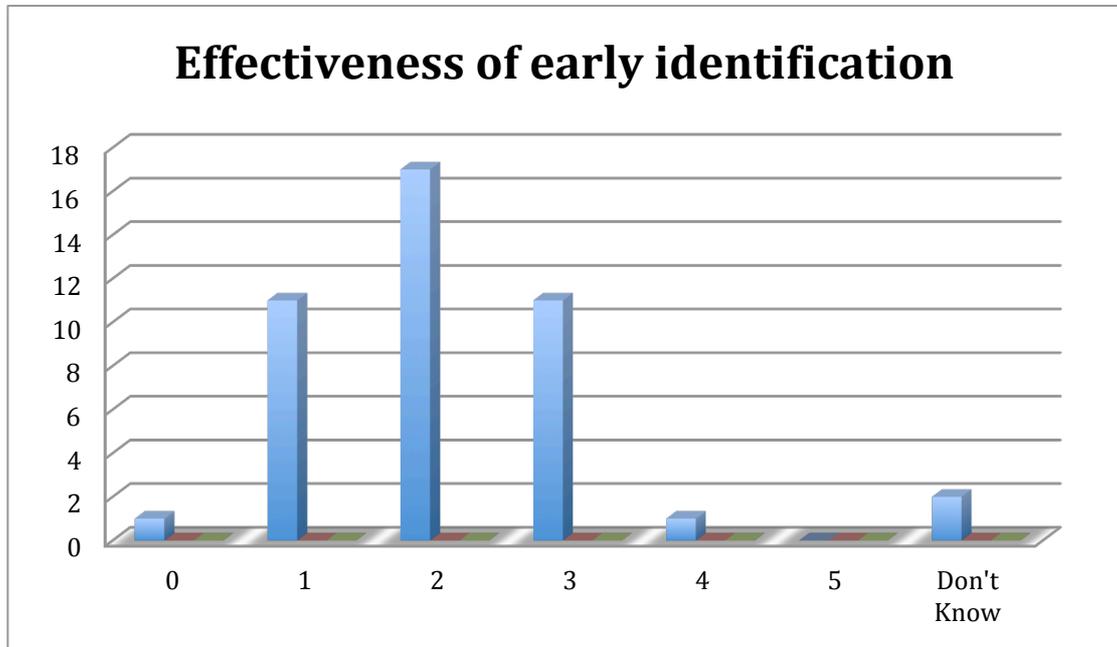
**0 = not at all      5 = a lot**



***“incredibly important. Don’t think a tool will do this. Think you need training and educated professionals to do this effectively”***

**Q2. How effective are we at identifying people with learning disabilities at an early stage of the process?**

**0 = not at all      5 = very good**



***“I think it is different in different areas”***

### **Q3. What further work is needed to make sure that people with a learning disability are identified at an early stage of the criminal justice pathway?**

There were 54 separate ideas expressed in response to this question. Below are the main themes that emerged.

**Training:** 12 people identified training as an area that needed improvement.

- 10 people said the police need more training on how to identify someone with a learning disability.
- 4 people said training to identify learning disability was particularly important for Custody sergeants.
- 6 people said that training was important for all agencies and staff who might come into contact with an accused person with a learning disability.
- One person said it was important to have consistency in police training.

***“Further guidance to police officers and custody sergeants on how to identify someone with a learning disability, including asking them”.***

***“Appropriate training and support for those involved in contact and assessment”.***

**Joint working:** 19 people said that it was important to have a multi-agency approach, and that interested agencies need to work together to help identify learning disability.

- 15 people specifically stated the importance of involving health professionals.
- 5 of those said CPNs in particular should be involved.
- 2 people said expert services should be involved in the assessment process.
- However, one person said the police should be supported to not get hung up on relying on the expert view. They should get a feeling that someone may have a learning disability.
- One person said the defence solicitor should work jointly with the appropriate adult.

***“CPNs should be available at custody suites to provide expert assessments of needs”***

***“Should be cross-agency – a collaborative approach”***

**Information/Communication:** There are two parts to this question. The first concerns information available to the accused person. The second refers to information for professionals.

- 1 person said information on criminal justice processes should be available in more visual formats, making them easier to understand.
- 1 person said public awareness of these processes needed to improve generally.

***“Improved public awareness of the criminal justice system”***

- 3 people suggested people could carry an alert card explaining they have a learning disability, which they could show to professionals.
- 7 people said that communication between different agencies was important
- 4 people said it was important for agencies to share information. ie. For police to have access to social work and NHS databases.

***“Cards for individuals with learning disabilities to carry to identify at earliest opportunity”***

***“Enhanced communication between agencies and information sharing”***

**Identification/Screening Tools:** Although there is broad agreement about the need to identify support needs at the custody stage, there is debate about who would be best to do this, and the use of screening tools.

- 6 people said the police needed to have a screening tool to identify if someone has a learning disability.

- 1 person suggested there should be a review of existing screening tools currently in use.
- 1 person said the police should liaise with clinicians to identify the best screening tool.
- 2 people doubted whether screening tools would work in police custody. 1 of these said there was not enough time. The other said it needed to be a health professional that carried out the assessment.
- 3 people said if the police get a feeling someone might have a learning disability, they should contact health or social work.

***“Liaise with clinicians to identify suitable screening tools”***

***“Best approach is to communicate with the individual”***

***“If Police suspect learning disability, they should contact social work or health services for clarification”***

**Other points raised:** Outwith the main themes, there were a number of other interesting comments and responses.

- 2 people said the police should routinely ask the person if they have a learning disability.
- 1 person said there should be investment in communication assessments, ideally by speech and language therapists.
- 1 person said that if an adult has a learning disability the solicitor must always be present when giving legal advice.
- 2 people said it was important that professionals get to spend time with the person
- 1 person said the accused person with a learning disability should be able to choose who they want support from.

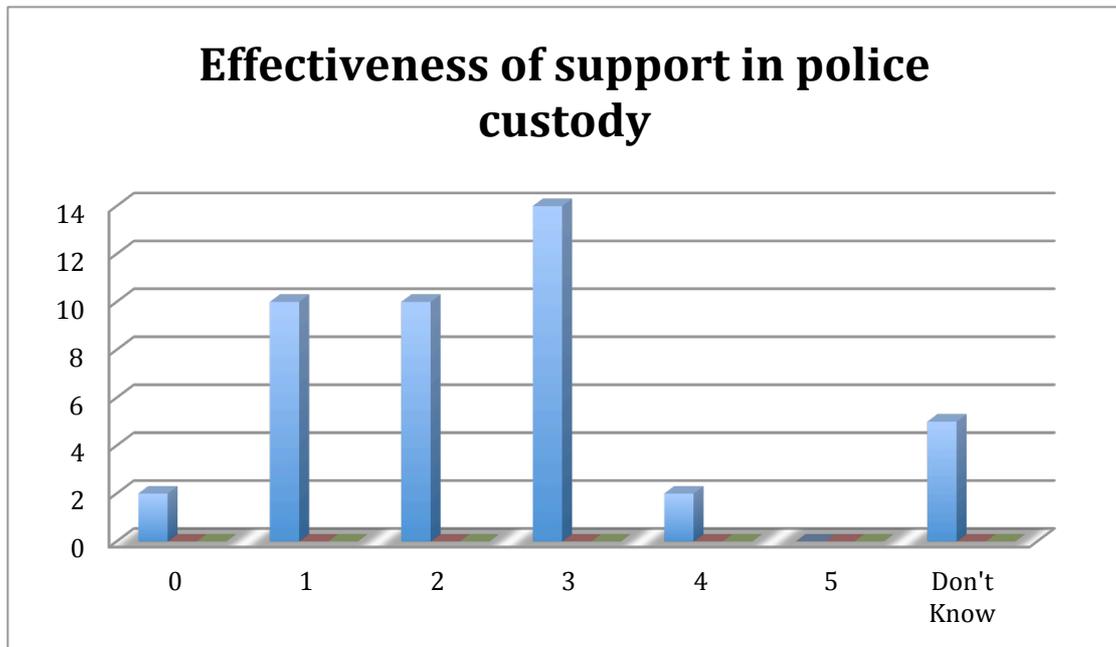
## Who should be involved?

There were 19 responses to this question.

- 13 people said that it needs a collaborative approach.
- Several people say that should be between all relevant agencies.
- These are identified by delegates as police, health, defence solicitors, family, Appropriate Adults services, social work, SLAB, COPFS, advocacy.
- One delegate said the person themselves should be allowed to choose someone to support them.
- The importance of involving health services. Of those, 5 people said it was important to involve the expertise of CPNs in particular.
- One person said it was important to have medical representation in police stations.
- One person said that Police Scotland now buy in police station health services from the NHS. But the police do not have access to NHS records, which would make identification of LD easier.
- However, one person said the police should be supported to not get hung up on relying on the expert view. They should get a feeling that someone may have a learning disability.

**Q4. How effective are we at providing people with learning disabilities the support they need while in police custody?**

**0 = not at all      5 = very good**



***“Improvements needs to be made”***

***“Provision is patchy – something of a postcode lottery”***

***“I think it varies in different areas. I think the difficulty might also be that not everyone will be ‘diagnosed’ with a learning disability, but still require support”***

***“I scored 4, but that is based on our service in Ayrshire. Not so sure about the rest of Scotland”***

## **Q5. What steps are needed to ensure that people with learning disabilities receive the support they need while in police custody?**

There were 41 separate ideas expressed in response to this question. Below are the main themes that emerged.

**Appropriate Adult role:** 13 people commented on the role of the appropriate adult.

- 4 people said the appropriate adult role needs to change.
- 2 people said the appropriate adult role needed to be organised nationally, and that it needed to be properly resourced.
- 3 people said there needed to be consistent, national standards which should be adhered to.
- 2 people said an entirely new role needed to be created.
- 1 person said the role needed to be strengthened, that it was not fit for purpose at present.
- 1 person said appropriate adults needed to be well trained and able to give advice.
- 1 person said the appropriate adult and solicitor should always be present together.
- 1 person said the appropriate adult should be involved in any phone calls between the accused and the solicitor.
- 1 person said support needs to be provided by an independent person, and there should be no risk of this person being called as a witness.
- 1 person said the same individual should provide support right the way through the system.

***“The appropriate adult role requires to be strengthened – at present it is not fit for purpose”***

***“There is need for a new role”***

***“Clear guidance and protocol needs developed nationally”***

***“Early identification, consistent support, national standards”***

***“All identified learning disabilities must have solicitor present at interview”***

***“That this support person can be involved through entire process”***

**Communication/Information:** 5 people said that good communication was an important part of getting the right support.

- 2 people said it was important that information provided to the accused person is accessible and easy to understand.
- 2 people said it was important for professionals to understand a variety of communication skills and the supports that are available.
- 2 people said it was important for professionals to share information.
- 2 people said it was important to ensure that information gets passed on through the system.
- 1 person said it was important that the accused person gets good legal advice, communicated in a way they can understand.

***“Easy-to-understand information. Understanding of a variety of communication skills and supports”***

***“Advocacy, appropriate adults, police to talk to each other and share information held”***

**Training:** 7 people reiterated the importance of training for professionals.

- 2 people said training in learning disability awareness for solicitors is important.
- 4 people said again that training for police custody workers is important.
- 1 person said training for appropriate adults was important.
- 1 person said mandatory training for all professionals was important.

***“Awareness training for frontline police. Greater awareness for custody staff”***

**Identification of Learning Disability:** 8 people reiterated that early and reliable identification of support needs is a critical factor in ensuring that the accused person gets the support they need in custody.

- 1 person said having the necessary time to assess accurately is important.
- 2 people said that many people do not know they have a learning disability.
- 1 person said those not identified get no support.

***“Those not identified are not supported and the general system is not supportive of anyone, more so those who have lower educational achievement”.***

**Joint Working:** 10 people reiterated the importance of professionals from different agencies working together.

- 1 person said the right expertise needs to be available.

***“Need partnership working in partnership with learning disability services – Police Scotland as well as health, 3<sup>rd</sup> sector, as well as appropriate adults”***

**Good Practice:** Several people offered comments which can be interpreted as suggestions for good practice in supporting accused people with learning disabilities.

- 2 people said that solicitors and appropriate adults should be allowed to spend time with the accused person before any procedures begin.
- 1 person said a person with a learning disability should always have a solicitor present when they are questioned by police.
- 1 person said the police interview should be deferred if necessary, to allow the solicitor to be present.

***“Solicitor attendance at police station compulsory”***

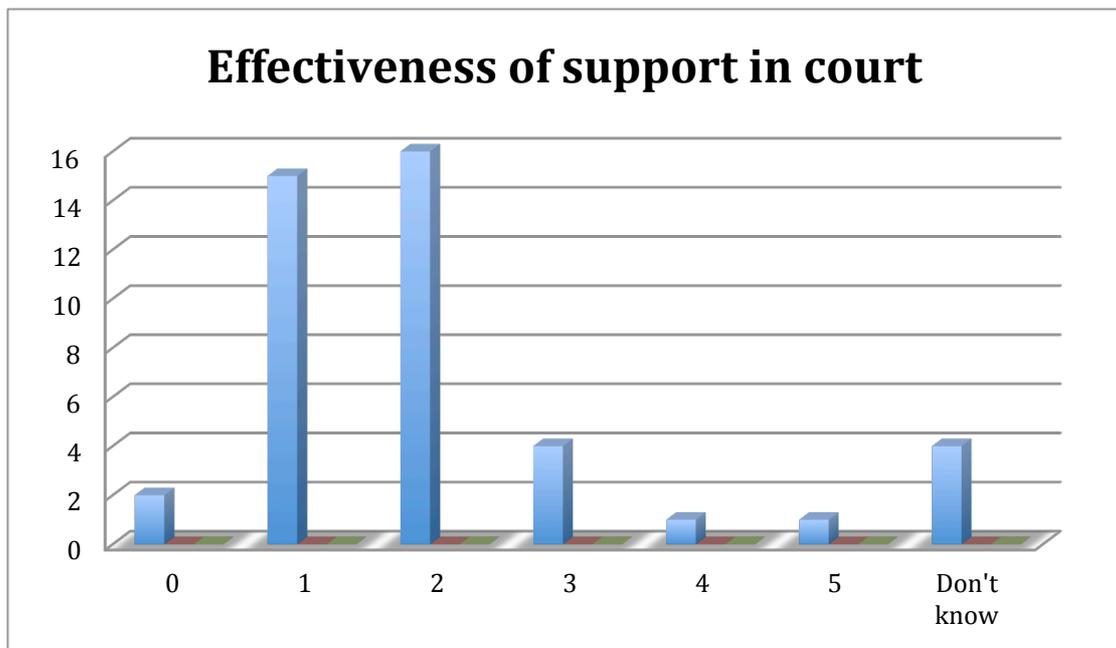
## **Who should be involved?**

15 people responded to this question. The suggestions included families, carers, health, lawyers, appropriate adults, GPs, courts, law society, social work, people with learning disabilities.

- 13 people said it was important to involve individuals offering support similar to that of appropriate adult currently.
- 1 person said it was important to involve anyone the accused person requests to be involved.
- 6 people said it was specifically important to involve health professionals.

**Q6. How effective are we at providing people with learning disabilities the support they might need while engaged in the court process as the accused?**

**0 = not at all      5 = very good**



***“Poor”***

***“Depends on area. Seems quite poor in many areas and a little better in others. Seems there is a resistance to appropriate adults being involved in the court process. There needs to be an individual that can provide this support”***

## **Q7. What steps are needed to ensure that people with learning disabilities receive the support they need in court?**

There were 44 separate ideas expressed in response to this question. Below are the main themes that emerged.

**Communication Support:** 32 people agreed it was important to have some sort of communication support made available to the accused person with a learning disability to allow them to participate fully in the court process.

- 20 people said they thought the type of support offered by registered intermediaries would be helpful.
- 1 person said an intermediary scheme would need to be fully funded.

***“We should look at Northern Ireland Intermediary model as quoted by Joyce as being an improvement on the England & Wales model”***

***“The intermediary role seems an obvious solution”***

- 4 people said they thought the appropriate adult service should be expanded to include providing support in court.

***“Requires appropriate adults to attend courts”***

- 3 people suggested independent advocacy services could support people in court.
- 2 people suggested this support could be provided by a social worker.
- 1 person said there needs to be better communication between the court and the author of any criminal justice social work report. Especially in relation to appropriate supports.

## **Continuity:**

- 6 people said it was important for the accused person to be supported by the same individual at each stage of the process.

***“Consistency across all areas ensuring the same person support throughout the journey”***

***“Continuous support from someone they know well and who knows them”***

## **Consistency:**

- 3 people said it was important that support available in court was standardised across the country.

***“Consistent approach in all types of courts”***

***“Clear identified court support from same trained support/advocate for all people with learning disabilities appearing in court”***

## **Special Measures:**

- 4 people said it was important for special measures to be available to accused people with learning disabilities, the same as for vulnerable witnesses.
- 1 person said special measures need to be tailored to meet each individual need.

***“tailored special measures for trial court”.***

**Other points raised:** Outwith the main themes, there were a number of other interesting comments and responses.

- 2 people said the court process should be made easier to understand for everyone.

***“De-mystify the legal process”.***

- 1 person said the present system is biased towards protecting the appropriate adult, rather than the accused person with a learning disability.

***“System needs to cultivate protection for the vulnerable adult as opposed to the appropriate adult”***

- 5 people said training was again, an important part of ensuring the right support. This included for lawyers, judiciary, court staff, and those providing support for the accused.
- 2 people said that good communication between professionals was important.
- 3 people again said that partnership/collaborative working between relevant agencies was important.

***“New role and training for judges and lawyers”***

***“Court to have better communication with the author of any criminal justice social work report, re appropriate interventions/service”***

## **Who should be involved?**

9 people responded to this question. The suggestions included carers, solicitors, judiciary, court staff, intermediaries, appropriate adults, independent advocates, social work.

- 1 person said liaison and diversion teams ought to be involved.
- 20 people said an intermediary scheme should be introduced in Scotland.

