

The Criminal Justice Pathway

*for People with
Learning Disabilities*

Challenges and
opportunities for change

Supporting Offenders with Learning
Disabilities (SOLD) Network

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Introduction

This report seeks to inform and guide local and national planning and practice related to improving support for people with learning disabilities who are in the criminal justice system or at risk of offending. We also set out the role of the Supporting Offenders with Learning Disabilities (SOLD) network in helping to influence change in this complex and challenging area.

The report provides an overview of some key challenges and opportunities for change that will help improve support and reduce offending amongst people with learning disabilities in Scotland. It will be followed by work carried out by SOLD and our partners that will explore specific areas of the criminal justice pathway in more detail.

Most of what follows has been identified through a series of SOLD network events held in 2013/14. The network has also consulted with people with learning disabilities who have experienced the criminal justice system and their views are contained in the report. We refer to relevant legislation, policy, research and practice initiatives.

We hope the report will generate further discussion amongst professionals working in the criminal justice system, and those working with people with learning disabilities, about the challenges and opportunities for change; and that it will act as a catalyst to share and promote examples of good practice from across the country that are already addressing these challenges.

The Supporting Offenders with Learning Disabilities (SOLD) Network

Aims of the SOLD Network

The aim of the SOLD network is to:

Reduce offending and improve support for offenders with learning disabilities in Scotland.

We seek to achieve our aim by:

- Providing a forum for professionals, from all relevant sectors, to share learning, identify challenges, develop and promote creative solutions
- Supporting and facilitating opportunities for people with learning disabilities to engage, inform and influence with the work of SOLD
- Increasing knowledge and awareness of issues concerning the relevant policy, legislation, practice framework and the challenges and opportunities in the sector
- Working in partnership with the Scottish Government and statutory bodies to influence change.

As of October 2015 there are over 250 members of the SOLD network from a broad range of backgrounds including: voluntary sector providers, Police Scotland, NHS, Social Work, academic institutions, Scottish Courts, Scottish Government, Scottish Prison Service the Crown Office and Procurator Fiscal Service and people with a learning disability who have experience of the criminal justice system.

SOLD was established in response to the Keys to Life, the 2013 Scottish Government strategy on improving the quality of life for people with learning disabilities, recommendation 46:

‘That a national criminal action group is to be established in 2013, consisting of professionals in this field and working in partnership with people with learning disabilities, to identify challenges and promote opportunities and influence change and to provide support for people with learning disabilities in the criminal justice system.’

SOLD is a part of the Scottish Government’s learning disability strategy, which seeks to achieve a fairer and more equal Scotland where individuals with a learning disability live longer, healthier lives and are supported to participate fully in all aspects of society.

The work of SOLD is funded by the Scottish Government Community Justice Division.

SOLD is led by a partnership between People First Scotland and ARC Scotland. Support and guidance for our work is guided by an advisory group.

SOLD relies on the experience, knowledge and commitment of its members to achieve change. If you are interested in the issues presented in this report, we want to hear from you.

New members are always welcome. To join SOLD please contact:

seaneen.duggan@arcuk.org.uk

Or visit our website **www.soldnetwork.org.uk**

Or alternatively follow us on Twitter **[@SOLDarcscot](https://twitter.com/SOLDarcscot)**

What do we mean by
learning disability?

The Keys to Life includes the following definition of a learning disability:

“People with a learning disability have a significant, lifelong, condition that starts before adulthood, affects their development and means that they need help to:

- *Understand information*
- *Learn skills; and*
- *Cope independently*

But this is only part of the description. It does not capture the whole person who can be so much more, a friend, family member, a community activist, a student, a parent, an employee or employer, to name just a few roles. It is essential that we keep in mind all these possibilities.”

Medical classifications diagnose a learning disability by assessing intellectual and adaptive/social functioning, which is acquired prior to adulthood (The British Psychological Society, 2000).

The term learning disability covers a broad range of individuals each with different strengths, as well as needs. When providing care and support, the person should always come first and the label second (British Institute of Learning Disabilities). According to J Jacobson (2008), individuals with mild to moderate learning disabilities are more likely to come into contact with the criminal justice system. People with a mild learning disability can be described as having an IQ of 50 to 70 and conversational level communication skills. People with a moderate learning disability on average have an IQ of 35 to 50 and some communication skills.

Learning disabilities often occur along with other conditions including epilepsy, ADHD, autism and mental illness. This increases the complexity and challenge of supporting people with learning disabilities at the different stages of the criminal justice pathway.

A learning disability is not the same as a learning difficulty although confusingly, the two terms are often used interchangeably. Unlike a learning difficulty (which in the UK includes dyslexia and ADHD/ADD), a learning disability is a protected characteristic for the purposes of the Equality Act 2010. A learning disability also has grounds for detention under the Mental Health (Care and Treatment) (Scotland) Act 2003. Diagnosis of a learning disability therefore has significant legal implications.

Although it is necessary to be aware of and understand what a learning disability is, many SOLD members tell us it is most important to focus on individual support needs and how these can be met. The merit of this approach was also recognised by Lord Bradley (The Bradley Report, 2009) who suggests, if we are to effectively address offending behaviour we must recognise and acknowledge the connectedness of health and social need.

It should be noted from the outset that vulnerability can mean that a person is both an offender and someone in need of social care. The distinction between the need for care and the requirements of justice is complex, but it is a distinction that should be made in order to ensure that vulnerable people are not unnecessarily criminalised for want of a more appropriate response.

Prevalence of learning
disability among people
who offend

The way in which people receive social care and support in Scotland has changed from a medical to a social model of care. This has resulted in the closure of many settings such as long-stay hospitals and day centres. This move towards more personalised and community based models of support has been welcomed by disability and advocacy organisations. However due to this and the impact of austerity measures, fewer people with mild or moderate learning disabilities are currently being assessed as eligible for social care support.

At the same time as these changes, some SOLD members have noted an increase in the incidence of people they support coming into contact with the criminal justice system. Unfortunately, there are currently no statistics on the prevalence of learning disability among those with convictions in Scotland.

The reasons for the absence of statistics in this field includes:

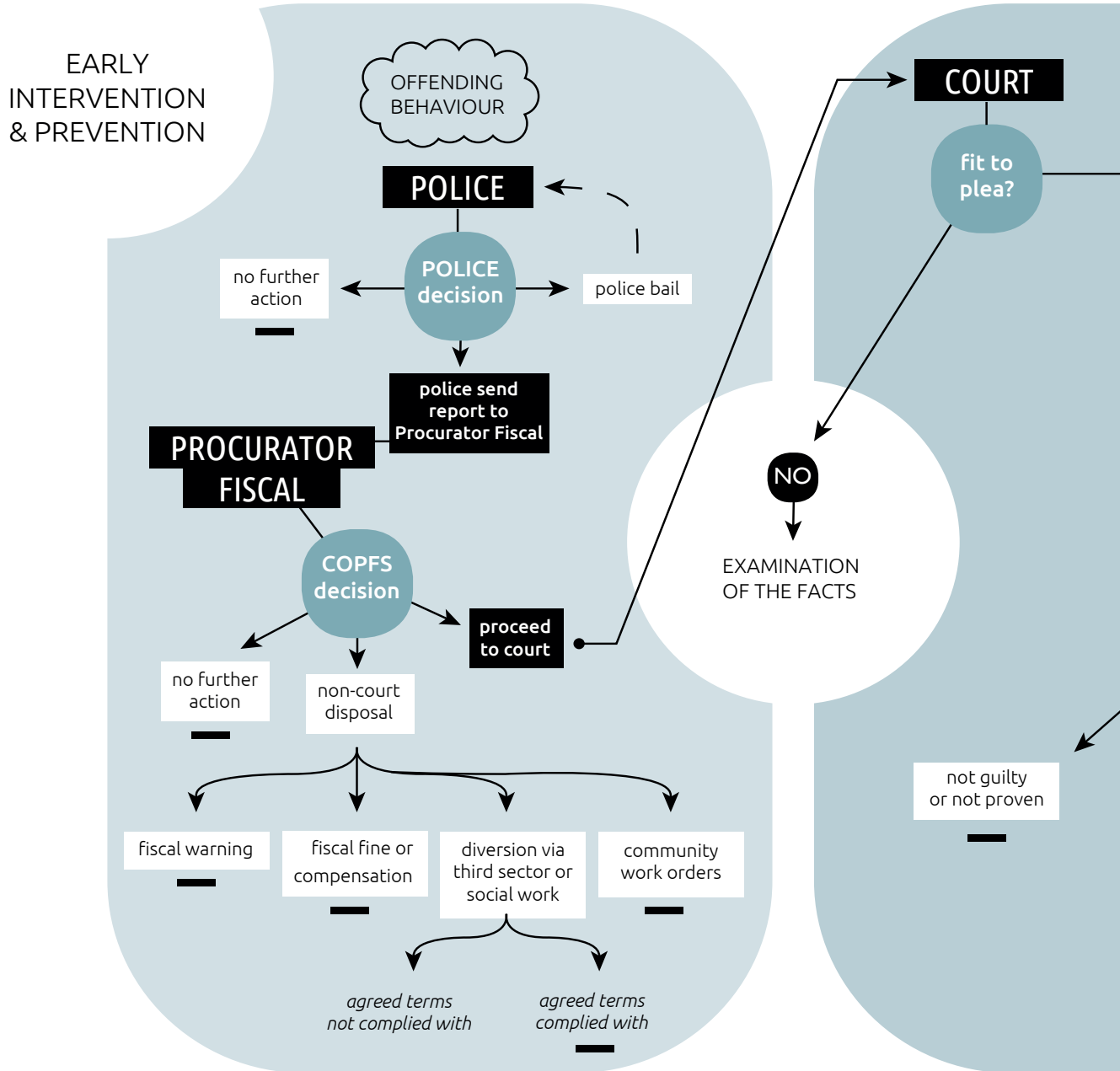
- Lack of routine procedure for identifying individuals with a learning disability
- Information is not routinely shared between health, social and criminal justice departments
- Varying and inconsistent use of terminology (Kirby, 2014).

Although precise numbers are unclear, it is generally believed that a significant minority of people with a learning disability do come into contact with the criminal justice system. In England and Wales the estimate is 5 – 10% (Ministry of Justice, 2001), however, some research puts it as high as 30% (Her Majesty's Inspectorate of Constabulary, 2014). When they come into contact with the criminal justice system evidence suggests that there can be failings which give rise to the discriminatory treatment of people with learning disabilities (Joint Committee on Human Rights, 2007).

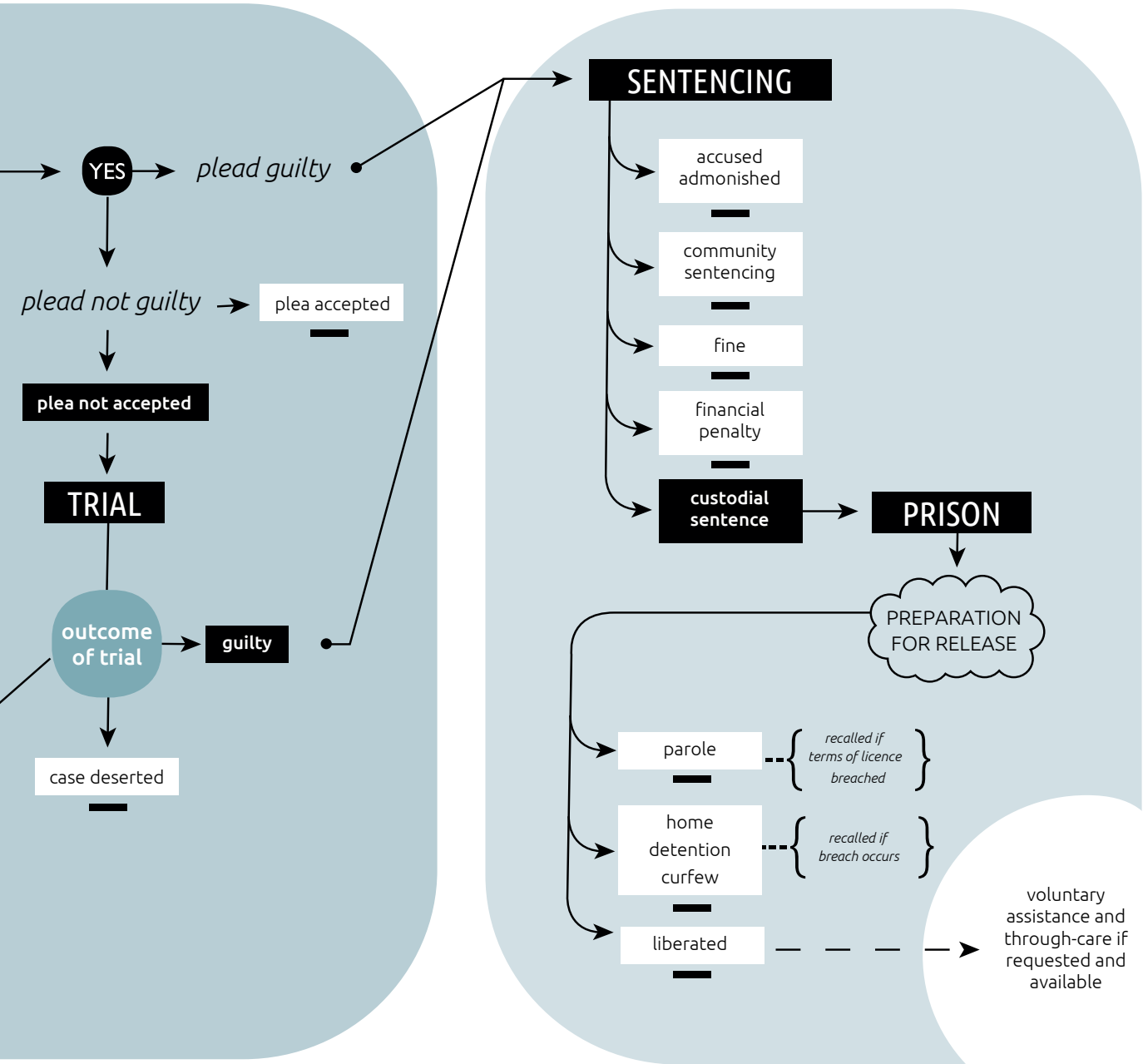
Many SOLD members think that a validated method for identifying people with learning disabilities should be used throughout the criminal justice system, although views differ as to what system should be adopted. It should also be noted that some members and people with learning disabilities are concerned about being labelled. Research has been undertaken throughout the Scottish prison estate, over the last few years, to explore methods of screening and identifying vulnerable people, including a pilot in NHS Greater Glasgow and Clyde. The Scottish Prison Service is currently undertaking a separate piece of research using the Do – it profiler. SOLD members hope that these pilots will help to progress routine screening for people with learning disabilities in the criminal justice system.

The simplified criminal
justice pathway for adult
offenders

The simplified Criminal Justice Pathway



for adult offenders



People with a learning disability should not end up in the criminal justice system as a result of a failure to provide appropriate support in the community. Effective prevention depends on the support being available from a wide range of services including the voluntary and statutory sectors. A multi-agency and person centered approach is needed to ensure that vulnerable people do not come into contact with the criminal justice system as a result of failing to meet their support needs in social care and health settings.

Key challenge 1

People with a learning disability who are at risk of coming into contact with the criminal justice system should receive the individual support they need to address their (potential) offending behaviour.

This presents a particular challenge to local authorities and support providers, given the impact of austerity measures and associated changes to eligibility criteria for social care support.

Opportunities

SOLD members wish to encourage an approach to planning and assessment whereby individual needs are considered holistically in order to obtain a complete picture of the person's support needs and any associated risk. This approach is particularly beneficial for someone with a learning disability who is at risk of offending as they may present with other needs including mental health problems, substance misuse, financial and relationship problems. There is considerable experience and capacity amongst professionals in the learning disability sector to implement person-centred and holistic approaches to planning and support that may help to reduce offending. Further work is required to utilise this capacity in criminal justice settings to allow better joined-up working between professionals in the criminal justice and learning disability fields.

Key challenge 2

People with a learning disability coming into contact with the criminal justice system should have access to a full range of sentencing options.

Some people with learning disabilities do offend, however, often it is the learning disability, which is seen as needing to be dealt with and not the crime. As a result, the person who offends may not link the consequence to their behaviour, which may result in recurring contact with the criminal justice system for similar offences. Moreover, when the system intervenes in a formal manner the tariff imposed can seem disproportionate.

Opportunities

Diversion from prosecution may be a suitable response for people with learning disabilities who have recently offended in order to help them consider the consequences of their behaviour. Such an approach could be tailored to address the holistic needs of offenders with learning disabilities and help achieve equality of outcome in terms of desistance for those offenders.

There would appear to be a gap in the delivery of diversion schemes, which specifically target people with a learning disability. The SOLD network is keen to work with others to consider the development of an early intervention or diversion model to divert from the criminal justice system those people with learning disabilities who have committed low level offences.

We would welcome the participation in the SOLD network of anyone who has knowledge and experience of early intervention and diversionary practices in particular their functionality, operation and effectiveness. If you would like to get involved please contact us. You can find our contact details on page 4.

Key challenge 3

There should be information sharing protocols between different organisations in the criminal justice pathway.

Inter-agency working and information sharing presents a significant challenge at every stage of the criminal justice pathway.

Of particular relevance are challenges in communication between Police Scotland, the Crown Office and Procurator Fiscal Service, Social Work, NHS and the voluntary sector to ensure that information on known vulnerability is consistently shared, adequately taken account of and that people are signposted to services that can provide them with support.

Opportunities

There are examples of good local arrangements/partnerships. However, this appears to be as a result of individual initiative rather than organisational policy or protocols.

The SOLD network seeks to help improve and support inter-agency working and communication through providing a forum for professionals from all relevant sectors to share learning, identify challenges and develop and promote creative solutions. Through our website and e-bulletins we also try to increase knowledge and awareness of issues concerning the relevant policy, legislation and practice framework, and the challenges and opportunities in the sector. A key part of our work is supporting user groups to be a meaningful part of the network. This provides an opportunity for professionals to hear directly from people with learning disabilities, thereby helping professionals to consider how they can best support such people.

The SOLD network is committed to supporting the establishment of recognised criminal justice pathways and protocols and sharing research to facilitate more joined up approaches. An example of this is the SOLD networks' membership of the Criminal Justice Advisory Group and the network supports a person with learning disabilities to attend and contribute their views. This group advises and provides a steer to The Criminal Justice Disability Project Team, helps develop national products for the criminal justice agencies and participates in national awareness programmes.

The SOLD network is currently (November 2015) collaborating with the Centre for Youth and Criminal Justice to produce a new online resource for young people, their families and professionals working in the criminal justice system. This will provide information on the pathways through the criminal justice system and Children's hearings for youth offenders. It is anticipated that this will help improve how professionals in the criminal justice system use the knowledge and resources available to them, which in turn should improve the support available to young people and their families who are involved with the criminal justice system. It will also help young people and their families by providing them with information and further assistance. This is the first steps towards improving information sharing in what is a complex system.

Contact with the police
and fiscals

Interaction with the police is usually the first way that someone comes into contact with the criminal justice system. Policing in Scotland has undergone significant change since April 2013, when a national force was established, with a single division responsible for custody arrangements. This early stage of development presents an ideal opportunity to embed new practices to improve the support that people with a learning disability receive when they come into contact with the police.

Case Example: Getting lifted

“The first time I got lifted, I got taken to the station, got my finger prints taken and that. They never explained anything about getting a lawyer or that I could have a lawyer. They do now though, they always say that now and let you speak to your lawyer on the phone.”

“I didn’t understand you could say no comment when they asked you stuff. I thought you had to answer all their questions straight away. They had read me my rights, it’s just I didn’t really understand what they were saying to me, I just said aye.”

When someone has a learning disability, there are additional needs that the police must be aware of, such as communication difficulties. The Appropriate Adult (AA) schemes were set up following guidance issued by the Scottish Executive in 1998, which instructed that every Scottish police force should have an AA Service. The primary role of the schemes is to facilitate communication between the individual with a mental disorder (this includes someone with a learning disability) during police interviews, forensic procedures or examination, precognition and at court. AA Services in Scotland are currently delivered by 19 different schemes.

Through our network events, SOLD members have identified a number of challenges with the AA schemes, principal among these are:

- Information given to an AA is not privileged, accordingly, an AA cannot assist communication with a defence solicitor
- Not all AAs have received training in working with people with learning disabilities
- Provision of AAs in court is inconsistent throughout the country and where a service is provided, there is lack of clarity, among criminal justice professionals, support workers and AAs about their role
- Currently, local authorities fund the majority of these schemes; however, there is no statutory duty to do so and there is concern about future funding arrangements.

Key challenge 4

People with learning disabilities have the information and support they need to ensure that they are not disadvantaged as a result of their disability.

People who have a learning disability may not understand the significance of questions put to them or, indeed, of their responses to questions. They may even admit to crimes that they have not committed. It is therefore important to ensure that they have the information and support they need to ensure that they are not disadvantaged.

Case Example: Getting a lawyer

“I’d never been in trouble before. The lawyer I got didn’t have any time for me. I was trying to get him to speak to someone that knew what had happened and could have been a witness for me but he didn’t. I didn’t know you could get rid of your lawyer if you didn’t think they were doing a good job and find another one.”

Opportunities

Police Scotland are committed to improving how they communicate with disabled groups. In 2015 they held a number of road shows during which they sought the views of disabled communities to help ensure fair and equal access. The SOLD network supported people with learning disabilities to attend and participate. Events like these raise awareness of the particular challenges of those with hidden disabilities. However, further guidance (or a screening tool in police custody) is needed on how to identify someone with a learning disability so that police officers can engage the correct procedures.

Following the Supreme Court ruling in *Cadder v HM Advocate* in 2010, the police must give access to a solicitor before questioning. From 1980 until then, Scotland's police had the power to detain suspects for six hours, and while a solicitor could be advised of the fact of detention, the suspect had no right of access to a lawyer. The European Committee for the Prevention of Torture (CPT) commented adversely on the Scottish situation after its visits to the UK in 1994 and 2003.

The right of access to a solicitor is recognised by many in the SOLD network as essential to safeguard against improper or abusive treatment.

In 2014 the Law Society of Scotland drafted advice and guidance for solicitors attending police stations, which the SOLD network contributed to. This includes a section about representing vulnerable clients. However, further work is needed to help solicitors recognise when someone has a learning disability and to ensure that they can effectively communicate with them.

SOLD was invited by the Criminal Law Committee of the Law Society of Scotland to address the annual criminal law conference in September 2015. This opportunity was used to raise awareness of the needs of vulnerable clients and of the role of the Appropriate Adult.

The Scottish Government included Appropriate Adult provisions in the Criminal Justice (Scotland) Bill 2014. The Bill makes it a requirement that vulnerable adult suspects have access to an appropriate adult. The Act does not place the Appropriate Adult schemes themselves on a statutory basis and therefore there may be an issue as to who is financially responsible for the provision of the schemes.

As part of the Post-corroboration Safeguards Review Final Report, 2015, Lord Bonomy considered the provision of Appropriate Adults and recommended that:

“The Criminal Justice (Scotland) Bill should be amended to identify a body or organisation with responsibility for ensuring adequate provision of Appropriate Adults for vulnerable persons in custody.”

In June 2015 the Criminal Justice Division of the Scottish Government held a workshop to consider this proposal and, more widely, to consider to what extent the current provision of Appropriate Adult services in Scotland is meeting the needs of vulnerable people. The SOLD network took part in this workshop. The Scottish Government is committed to holding further workshops with service providers to obtain their opinions on the challenges. It is anticipated that the information obtained from these events will inform appropriate amendments to the Criminal Justice (Scotland) Bill as it progresses through the parliamentary process.

One way in which support has been improved in custody for people with learning disabilities has been through the development and provision of a letter of rights, which is given to anyone detained in police custody. This is a simple booklet that explains a person’s rights whilst in police custody in Scotland. It is designed to raise awareness of a person’s rights as provided for under Scots Law, especially the right of access to a lawyer. The SOLD network believes that it is important to develop an easy-read version of this booklet for people with learning disabilities. The network recognises the importance of information being available in such a format. Our website has a section which brings together many of the easy-read information leaflets provided by the criminal justice agencies. Further, we are working with user groups to translate the prison induction materials into easy-read.



What people with learning disabilities want:

Support from arrest to court

- We want support from someone **who is there for us**, as soon as possible after we are picked up by the police until the end of the court process
- We want the police to ask us if we have a learning disability or if we need help to understand
- We want support from someone who knows lots about the criminal justice system and knows how to support people with a learning disability
- We want them to be there for us
 - *In interviews with the police*
 - *In meetings with lawyers and other professionals*
 - *When we go to court*
- We don't want them to be called as a witness against us



- We want them to have skills to
 - *Explain the charges, the process and our rights in a way we can understand*
 - *Make sure we understand what police and others are asking us*
 - *Help us think through questions we are asked and give a clear answer*
 - *Be able to work alongside our lawyer*
 - *Be able to work alongside people who know our needs and us best*
 - *To spot and step in if we are finding the process too difficult – say if we need a break or something should be changed*



- We always want the chance to be able to stand trial with reasonable adjustments if we need them
- There should be a range of changes including, but not limited to, extra time, more breaks, changing parts of the process, using clearer language and rewording difficult questions
- The questions in court should be about finding the truth, not making a fool of us.

Court process

Court proceedings are complex. For someone with a learning disability the court process can be confusing. Without appropriate support such people are often unable to participate in any meaningful way. The Government has obligations to protect the rights of people accused of, or convicted of, committing a crime, both under the common law and under the rights to liberty and to a fair hearing, as guaranteed by articles 5 and 6 of the ECHR. Particular care must be given to the rights of vulnerable defendants such as those with a learning disability.

Key challenge 5

The right to a fair trial of people with a learning disability is protected.

Case Example: What are they talking about?

“Court is really confusing. It’s like they do it deliberately, they all use big words that you’ve never heard before; the whole process is complicated and it’s hard to know what’s going on. When it comes to your turn to speak your head is spinning and you just don’t want to say something wrong or that will make you look daft. I find it hard explaining stuff normally but in court it was impossible.”

Members of the SOLD user groups have reported their experiences of being unaware of what was happening during trial and an inability to understand decisions of the court, including bail and sentencing. This is incompatible with their right to a fair trial.

The use of Appropriate Adults in court is inconsistent throughout Scotland, and of the schemes that provide them in court the role differs; some act in a support capacity, others act more like intermediaries.

Opportunities

At the Scottish Government workshop on Appropriate Adults held in June 2015 the SOLD network highlighted the need to improve the communication support that is available to vulnerable defenders.

There is now an opportunity to reconsider the use of registered intermediaries in Scotland. They are people with special skills in communicating who help those with significant communication problems to give evidence in court. England and Wales introduced registered intermediaries in 2004, but only for victims and witnesses. The Scottish Government considered the matter during the consultation to extend special measures in 2004 and said it would review it after the 1 year pilot in England. Northern Ireland completed a pilot in May 2015 and extended the scheme to defendants as it was considered inequitable not to extend it to vulnerable defendants.



What people with learning disabilities want:

Relating to the court process

- Before getting to court we want support to understand the court process
- We want the support of a lawyer who understands learning disability
- We need enough time to prepare with our lawyer before appearing in court. This could be significantly more time than for a defendant without a learning disability
- We always want the chance to be able to stand trial with reasonable adjustments if we need them
 - *We have the right to a fair trial. If we do not understand parts of the court process they should be explained in a way we can understand*



- *A range of changes including, but not limited to, extra time, more breaks, changing parts of the process, using clearer language and rewording difficult questions should be available. These should be used based on our individual support needs*
- *A communication expert should be involved to help the process*
- Not to be questioned in a way that is deliberately trying to confuse us. The questions in court should be about finding the truth not making a fool of us
- Once professionals know what extra support we need this should be passed on so that we are not starting again if we move on to a sentence.

Community sentences,
prison and through-care

When someone is found guilty of a crime, a range of sentencing options is open to the court. The SOLD network shares the Scottish Government's view that custody should only be used to reflect the seriousness of the offence and for those who pose a serious risk of harm (Community Payback Order, 2008).

Although the number of prisoners with a learning disability is unclear, the case for safeguarding rights is undeniable. Prisoners with learning disabilities are known to be vulnerable to bullying, at risk of serving longer sentences than others convicted of comparable crimes (Foundation For People with Learning Disabilities 2008) and more likely to reoffend if they do not receive appropriate through-care (Atherton, 2011).

Case Example: Going in to prison

“When you go in, and you are a first timer like me, there is so much to take in. You have your induction but your brain is so full you can't really take it in. It just becomes a blur. I wish they could have taken you through it again after a few days.”

“You can get a bit of help from the guards but most of what you learn comes from other prisoners. The way it is in prison you can't be seen to be getting too pally with the guards if you don't want to make life more difficult for yourself. Being on remand was the toughest. You don't get a cell wage so you are always having to borrow tobacco and that. It can get you into trouble. I didn't know about the canteen or that you could get money handed in. I don't remember anyone telling me any of that. “

Case Example: Prison courses and college

“I can’t fault the prison courses, the ones I was on were really good. I learned a lot and would have liked to keep going with them.

It’s just when you come out, you’re on your own. It would have been good if someone could have come in from the local college to speak to you about what courses you could do and sort you out applying for them. It would give people coming out of prison something in place so you don’t need to sort it all out when you come out.”

Key challenge 6

Suitable support is available to people with learning disabilities to help end the cycle of reoffending.

Recidivism has remained consistently high in Scotland over the last decade. This suggests that more needs to be done to end the cycle of reoffending.

Opportunities

Through-care, the name given to a range of social work and other support services available to prisoners from the point of sentence or remand, during their period of imprisonment and subsequently on release into the community, has been rightly prioritised. In particular the Government has attempted to increase through-care provision and uptake for short-term prisoners (sentences under

four years), where there is no mandatory through-care and where there could be the biggest impact upon recidivism. The Scottish Prison Service (SPS) is a key part of this agenda. An SPS operational report *Unlocking Potential, Transforming Lives*, 2013 recognised

Case Example: Support when you get out

“I was lucky, I used to do voluntary work with homeless people before going to prison and I got talking to another volunteer at the food van after I got out. I told them that I was really struggling and they told me about getting a criminal justice worker and about Cornerstone. I started getting support from them and it made a huge difference. I don't know what I would have done if I hadn't found them. The prison staff and care workers should have a closer connection. They could get things sorted for you before you leave and have the support ready for you. Then you wouldn't need to be searching around like I was. Even having a list of numbers given to you so you could phone if you found out you needed help. You might not realise it yet but you might find out you do need help and support when you are liberated. “

that organisational and cultural change was necessary to maximise SPS's impact upon the rehabilitation agenda.

Priority areas for through-care identified by the SOLD network include maintaining prisoners' familial links, including where necessary supporting the family outside. The recent award of funds to Families Outside by the Scottish Government is a welcome recognition of the need to support those affected by having a family member in prison.

In addition the SPS has specialist Family Contact Officers, at least one in each prison, whose primary role is to provide support and advice to families. There are also opportunities for education. The SPS is undergoing a period of transformational change (SPS annual report 2013 – 14). As part of its direct contribution to national outcomes, it has stated a strategic aim of becoming a learning institution with a person centred assets-based approach. The continuing development of an approach to education which seeks to prepare prisoners for life upon release is of particular benefit to people with learning disabilities. In particular, extending the opportunity for informal/ peer delivered education and increasing the range of purposeful activities for prisoners. This could be achieved by further developing third sector partnerships such as the Paws for Progress programme. Finally, it has been shown that prisoners are 50 percent less likely to reoffend if they have an employment opportunity upon release. The SOLD network took part in a Scottish Government employability summit in May 2015 that was designed to consider the barriers to employment for people with convictions and the opportunities to promote the benefits of employing ex-offenders.

The SOLD network is committed to working with other partners to help address the through-care needs of short term prisoners. We will bring together key strategic partners to identify and share good practice and to determine what principles contribute to good transitions for short-term prisoners who are not subject to statutory through-care.



What people with learning disabilities want: Relating to prison and through-care

- All sentences, in prison or in the community, should take account of our learning disability and make reasonable adjustments
 - *Better, clearer communication*
 - *Adapted courses that deal with the crime we committed, delivered by people who understand learning disability*
 - *Support to follow and engage with the routine*
- We want prisons to check if we have a learning disability, but it is only worthwhile if we are going to get the extra support we need
- We want prison guards to know about learning disability and be willing to help if we need it
- Asking for help from guards in prison can be difficult. We want there to be someone who is independent that can give us support



- We want to stay in touch with our families and extra support should be available to make sure this happens
- Social workers should come into prison to find out what support we will need and have that support ready to start when we come out
- Having a learning disability and coming out of prison should mean we are entitled to get support
- We should have a place to stay organised before we leave prison. Nobody should leave prison and be homeless
- We should have help to have our benefits set up ready for when we leave prison
- We should never be detained longer or be more restricted because we have a learning disability.

Conclusion

People with learning disabilities encounter multiple complex challenges in the criminal justice system. To achieve equality these challenges need to be addressed from a whole system approach, involving health, education, social care and the criminal justice agencies.

This report has sought to inform and guide local and national planning and practice by providing an overview of the key challenges and opportunities for people with learning disabilities, who are in the criminal justice system or at risk of offending. Working with partners across the criminal justice system we have identified 6 key Challenges:

1. People with a learning disability who are at risk of coming into contact with the criminal justice system should receive the individual support they need to address their (potential) offending behaviour
2. People with a learning disability coming into contact with the criminal justice system should have access to a full range of sentencing options.
3. There should be Information sharing protocols between different organisations in the criminal justice pathway.
4. People with learning disabilities have the information and support they need to ensure that they are not disadvantaged as a result of their disability.
5. The right to a fair trial of people with a learning disability is protected.
6. Suitable support is available to people with learning disabilities to help end the cycle of reoffending.

We have also identified specific opportunities to address these challenges and the role of the SOLD network in supporting the dissemination of information and partnership working in this complex area.

We hope that this report will raise awareness and understanding of these challenges. Additionally, it is hoped that it will stimulate change to improve support for people with learning disabilities in the criminal justice system and reduce offending by them. The SOLD network will continue to work to help support the implementation of the identified Opportunities.

We would like to thank the many professionals and people with learning disabilities who have contributed to this publication.



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