

Think COULD

Supporting people with learning disabilities in the justice system



Communicate

Consider how reasonable adjustments can support someone with their communication needs.

Observe

Consider how life experiences may impact people with a learning disability

Understand

How do you recognise if someone needs support with their physical or mental health?

Learning Disability

Can you recognise if someone has a learning disability?

The Think COULD animation was created to support those working within justice services and to highlight key areas of consideration when supporting people with learning disabilities.

This written resource has been developed to complement the animation. The resources provide additional information on what is a learning disability whilst promoting the health and communication needs of people with learning disabilities. It also gives practical examples of how to make reasonable adjustments to improve experiences and equitable access when people with learning disabilities are involved. in justice services.

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COMMUNICATION

People with a learning disability can find it difficult to understand complex information.

The prevalence of communication difficulties in the learning disability population is very high (up to 90%) and likely to affect areas of communication such as, understanding language, speech, and social use of language, expression and processing information.

Sensory, visual and hearing impairments are greater in adults with learning disabilities than the general population. People with a learning disability are 10 times more likely to have a visual impairment and are 40 times higher to have a hearing impairment than the general population).

This may mean they will experience difficulties in:

- Giving an accurate account of events
- Knowing and understanding the language they need to use to describe their experiences to others
- Remembering and talking about sequences of events
- Understanding and participating in legal proceedings
- Knowing their legal rights or understanding what this means when explained.
- Some individuals may not be able to read but also unable to tell you they can't read.

People with learning disabilities become very skilled at masking their learning disability and any communication and comprehension difficulties.

Acquiescence is the tendency to respond to questions with 'yes' answers regardless of the context of the question or discussion.

Acquiescence increases with increasing linguistic complexity, in other words **if you do all you can to maximise the person's understanding then acquiescence will be minimised.**

People with learning disabilities may use different ways to communicate and show signs of not understanding. **This may be presented in the following signs:**

- Presentation of behaviours that are perceived to be challenging
- Agreeing with everything that is said
- Repeating what is said to them (sometimes called Echolalia)
- Using non-verbal gestures such as, pointing
- Unable to maintain eye contact
- Having difficulty in remembering what was last said to them
- Talk about a restrictive range of topics and have difficulty engaging
- May appear to look blank and or look for cues as to how to respond to a question
- Failure to reply or disengage

Communication that people with learning disabilities find difficult to understand

- Long complex sentences
- Fast speech
- Legal speak!
- Abstract vocabulary (children may not understand vocabulary such as ‘truth and lies’ until the age of 10. Most people with learning disabilities are developmentally ‘younger’ than this)
- Sentences that have a sophisticated word order, for example: ‘you were chased by the man’ (difficult) as opposed to ‘the man chased you’ (easier)
- Grammar, past and future tense for example.
- Time concepts and language relating to time, (before and after for example)
- Language that is non-literal such as sarcasm, irony, metaphors and idioms
- Words with multiple meanings
- Negatives – no, not, can’t, won’t, didn’t etc
- Words that sound the same but have different meanings

(Credit: Rachel Paterson Principal (Learning Disabilities) Speech and Language Therapist)

Creating the conditions for good communication

- Find a quiet place to sit where you’re not likely to be interrupted.
- Face the person so that they can see your face and body language.
- Slow down your speech- don’t go too fast.
- Use short simple sentences.
- Ask the person if they can hear you. Do they use hearing aids and if they do, are they working?
- Ensure that the person can see you- do they wear glasses and are they wearing them?
- Don’t bombard the person with language, words or concepts.
- Regularly check that they have understood. You can do this by asking questions about what you’ve just told them and asking them to explain what you’ve told them back to you.
- Where possible, follow up an initial conversation within a few hours. Having a learning disability means that someone is likely to take longer to process information and they may have questions that do not occur to the person straight away. It’s also an opportunity to make sure the person has retained the information given to them.

Adapting your communication to the individuals preferred way of communicating is a reasonable adjustment (See separate information sheet on Reasonable Adjustments)

ONLINE RESOURCES AND HELPFUL WEBSITES

MENCAP have developed a guide to Communicating with people with a learning disability. The guide includes top tips for communication.

Access the guide here: <https://www.mencap.org.uk/learning-disability-explained/communicating-people-learning-disability>

Communicating with people with learning disabilities

A helpful youtube video can be accessed here: <https://www.youtube.com/watch?v=TPDxa7NzLCY>

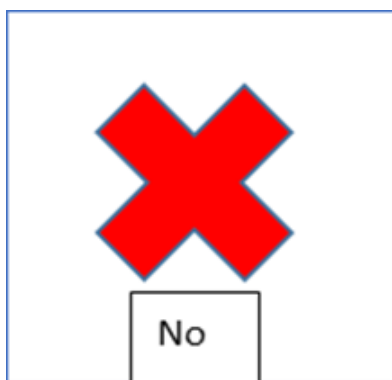
MENCAP have also developed a video called: **Communication: speaking to people with a learning disability** <https://www.youtube.com/watch?v=lyV1v-nib38>

Apps and Digital resources

Some people may require reasonable adjustments from services to allow them to use digital or alternative means of communication. This might take the form of an app on their phone, using voice recognition and text to speech on a tablet or I-pad, a communication system such as Picture Enhanced Communication Systems (PECS) a paper passport or “all about me” document, or a Digital Passport.

Using digital support for communication, including video and enhanced easy read helps people who have a learning disability understand information.

Picture Enhanced Communications System:



Talking Mats For Justice - <https://www.talkingmats.com/talking-mats-in-action/for-justice/>

Books Beyond Words- “You’re Under Arrest” ISBN: 9781784580599

“You’re In Prison” ISBN: 9781874439455

“You’re on Trial” ISBN: 9781784580582

RESOURCES AND GUIDANCE

Further guidance to support communication can be found here:

<https://www.rcslt.org/wp-content/uploads/media/Project/RCSLT/good-comm-standards.pdf>
<https://www.learningdisabilities.org.uk/learning-disabilities/a-to-z/c/communicating-people-learning-disabilities>
https://www.unitedresponse.org.uk/wp-content/uploads/Foundations_of_Good_Support_Communication_2.pdf

Supporting Offenders with Learning Disabilities (**SOLD**) have produced several easy read resources and visual support cards.

<https://soldnetwork.org.uk/wp-content/uploads/Your-Rights-when-you-are-at-the-Police-Station-easy-read.pdf>
<https://soldnetwork.org.uk/wp-content/uploads/ABOUT-Visual-Support-Cards.pdf>
<https://soldnetwork.org.uk/wp-content/uploads/Introductions.pdf>
<https://soldnetwork.org.uk/wp-content/uploads/Identifying-Support-Needs.pdf>
<https://soldnetwork.org.uk/wp-content/uploads/Caution.pdf>
<https://soldnetwork.org.uk/wp-content/uploads/Check-how-your-client-is-coping.pdf>
<https://soldnetwork.org.uk/wp-content/uploads/Explaining-what-has-been-said.pdf>
<https://soldnetwork.org.uk/wp-content/uploads/Explaining-what-will-happen-next.pdf>
<https://soldnetwork.org.uk/videos/>
<https://soldnetwork.org.uk/wp-content/uploads/Arrest-an-easy-read-guide-SOLD.pdf>

You can access the full **SOLD** Website here: <https://soldnetwork.org.uk/>

Easy on the I image bank

Is the information design service specialising in producing easy to understand information for the people who require accessible/easy read information. **The website has symbols available to download for free.**

<https://www.learningdisabilityservice-leeds.nhs.uk/easy-on-the-i/>

The Box training

The Box is a free e-learning tool designed for professionals working in the justice sector. It is designed to give professionals in the justice system the ability to identify communication issues and the skills to work successfully with individuals who have such issues.

You can access the website here: <https://www.rcslt.org/learning/the-box-training/>

REASONABLE ADJUSTMENTS

Under the Equality Act (2010) organisations have a legal obligation to make reasonable adjustments. Reasonable adjustments provide equitable access and improve experience of people with a learning disability within the criminal justice system.

Adapting your communication to the individuals preferred way of communicating is a reasonable adjustment.

Examples of reasonable adjustments include:

- Using an interpreter
- Using short sentences and avoiding jargon
- Using the person's communication or digital passport if they have one
- Using accessible easy read information or visuals such as symbols, pictures and objects of reference. An object of reference are objects that can be used to represent an activity, person or place.

It is important that when you give information do not assume that the individual understands what you are saying, even if it appears they do.

Using accessible or easy read information is a reasonable adjustment

'Easy read refers to the presentation of text in an accessible to understand format. It is often used for people with learning disabilities but may also be beneficial for people with other conditions affecting how they process information'

Other reasonable adjustments for consideration:

- Does the person have any professionals involved in their care for example, a learning disability nurse or speech and language therapist
- Contact your local learning disability community team for any support and advice, especially if the person has significant communication difficulties and is not already known to the learning disability service
- Does the person need an interpreter, this may be required if they use Makaton or British Sign Language

It is important to remember that the support of a Learning Disability Nurse or Speech and Language Therapist does not replace the requirement of an Appropriate Adult. They may be required in addition.

Every person with a learning disability is different, so adjustments people with a Learning disability need will differ from person to person. However, there are common adjustments that can help lots of people with a learning disability.

Reasonable adjustments can be simple changes made by one person, or they can be more complex and need multiple teams to work together.

Making reasonable adjustments can mean removing barriers that people with a learning disability face, or providing something extra for someone with a learning disability to enable them to access the support they need.

“You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say will be given in evidence” Studies have found that even some policemen don’t understand this!

What is an appropriate adult?:

<https://www.appropriateadult.org.uk/information/what-is-an-appropriate-adult>

OBSERVE

Diagnostic overshadowing, whereby a physical or mental health problem is undetected or unrecognised due to the individual’s learning disability, can often impact and influence the care and support provided to individuals.

People with a disability are more likely to demonstrate behaviours that challenge. This can be due to people having difficulty communicating and expressing frustrations.

People with a learning disability can be more likely to experience poor mental health

People with a learning disability may be particularly vulnerable to negative life events and might not have the mechanisms for coping with these. Some studies suggest the rate of mental health problems in people with a learning disability is double that of the general population (**Cooper 2007, Emerson & Hatton 2007, NICE 2016**).

Negative life events over the life course can result in higher levels of stress, which can increase risk of developing mental health problems. This can result in changes in behaviour such as distress, irritability, and agitation.

Biological factors - Pain, physical ill health and taking multiple types of medication can all contribute to poor mental health.

Negative life events - People with a learning disability may be more likely to experience deprivation, poverty, abuse, and other negative life events earlier on in life. People with learning disabilities are at increased risk of experiencing trauma and may express distress because of trauma in a range of ways, including behaviours perceived by those around them as challenging.

Fewer resources – Lack of social support and reduced coping skills are associated with depression and anxiety in people with a learning disability. This can increase the stress felt by people with a learning disability when they are exposed to negative life events.

Other people's attitudes – Stigma and discrimination can result in psychological distress. 'Window of Tolerance' is a term originally coined by Dr. Dan Siegel commonly used to understand and describe normal brain/body reactions, especially following adversity. It is also a term used to describe the zone of arousal in which a person can function most effectively.

When we experience difficult or unpleasant situations through trauma our senses are heightened, and our experiences and reactions are typically intensified, and strategies are less readily accessible to us. Adverse experiences also shrink our window of tolerance meaning we have less capacity to regulate our emotions, thoughts and feelings and can become overwhelmed more quickly.

RESOURCES AND GUIDANCE

ACE's animation link <https://youtu.be/VMpli-4CZK0>

Breathing Space-a confidential phone service for people in Scotland who may be feeling stressed, anxious, or depressed 0800 838 587

A to Z health issues www.ghc.nhs.uk

www.nomorelabels.scot (mental health)

www.mencap.org.uk/easyread/about-reasonable-adjustments

<https://images.app.goo.gl/3qcff73rxpY1mt8j7> if an autistic person is in distress or crisis-Check (poster)

Window of tolerance (Jennie Young NES) <https://vimeo.com/377509039>

Autism different minds <https://www.mencap.org.uk/sites/default/files/2016-06/NHS%20EM%20-%20PMLD.pdf>

Common Ground: Trauma Informed Working with People with Learning Disabilities link <https://vimeo.com/814525759>

UNDERSTAND

Understanding Autism

People often confuse learning disability with other conditions. Some examples include:

- Autism. Autism is not a learning disability, and it is not a mental health problem. Autism is a developmental disability which affects how you communicate and interact. But some autistic people may also have a learning disability. Autistic people may also experience mental health problems. Find out more about our work on mental health and autism.
- Attention deficit hyperactivity disorder (ADHD). ADHD is not a learning disability, and it is not a mental health problem. ADHD is a condition which can affect your behaviour. But some people who experience ADHD may also have a learning disability. People with ADHD may also experience mental health problems. For more information, see our page about ADHD and mental health.
- It is also possible to have a diagnosis of both ADHD and autism at the same time.

ADHD in Intellectual Disabilities

<https://vimeo.com/synimaagency/review/874513542/4f6bd26287>

Autism – a criminal guide for professionals

<https://www.autism.org.uk/advice-and-guidance/topics/criminal-justice/criminal-justice/professionals>

Autism – a guide for Police Officers and Staff

<https://www.autism.org.uk/shop/products/books-and-resources/autism-a-guide-for-police-officers-and-staff>

Understanding Relationships

Establishing and maintaining relationships, expressing their sexuality and keeping well in respect of their sexual health are some of the most important issues for people with learning disabilities in Scotland today. They need to be supported and enabled to find healthy, loving relationships whilst ensuring that they can recognise abuse and know where to get help.

See here under Relationships heading: <https://www.sclد.org.uk/resources-publications/>

Understanding Health Needs

Health inequalities are unfair and avoidable differences in health across the population and between different groups within society.

People with a learning disability are under served in access to healthcare and experience high levels of health inequality.

Research has shown that, compared with the general population, people with a learning disability were 3 to 4 times as likely to die from an avoidable medical cause of death. Most of the avoidable deaths in people with a learning disability were because timely and effective treatment was not given.

<https://www.easyhealth.org.uk/pages/common-health-conditions>

<https://www.ldmcn.scot.nhs.uk/education-resources-2/nes-resources/learning-disability-and-equal-health/>

Understanding Learning Disability and Mental Health

Evidence suggest that mental health problems may be higher in people with a learning disability than in those without a learning disability. There are many reasons why people with a learning disability are more likely to experience poor mental health. Four types of risk factor are discussed below:

- Biology and genetics may increase vulnerability to mental health problems
- A higher incidence of negative life events
- Access to fewer resources and coping skills
- The impact of other people's attitudes

<https://www.mencap.org.uk/learning-disability-explained/research-and-statistics/health/mental-health>

Understanding Sensory Impairments

If an individual has a problem integrating sensory information, they can find daily tasks difficult. It may result in the person having a disproportionate response to sensory information, such as screaming when they hear a noise or saying that someone touching their arm lightly was painful. However, it is important to also rule out other reasons for behaviour such as communication, attention, pain, attachment difficulties and mental health problems such as anxiety.

<https://www.nhslanarkshire.scot.nhs.uk/services/occupational-therapy/learning-disability/sensory-processing-and-learning-disabilities/>

Tops Tips when Sensory Processing becomes Challenging

To identify possible sensory impacts on behaviour, we need to carefully observe what is happening for that individual. Is there

Too little stimulation (Hyposensitivity): May feel bored, under stimulated, under aroused. When feeling underwhelmed, the person may end up seeking stimulation or attention.

Just enough: The person may present as happy, content and able to engage in activities without difficulty.

Too much stimulation (Hypersensitivity): May feel overwhelmed, overstimulated or overloaded. The person may eliminate or minimise sensory overload by avoiding. They may react with a 'Fight' response (responding with anger, irritability), or 'Flight' (responding with avoidance, fear or withdrawal) or 'Freeze' response (simply shutting down).

Have a good understanding of the individual's sensory preferences and sensitivities.
Introduce sensory items/activities or approaches that are calming or alerting to help the situation.

LEARNING DISABILITY

Defining Learning Disability

A Learning Disability is a significant, life long, condition that started before adulthood, which impacts development, and which means an individual may need help to:

- understand information,
- learn skills,
- cope independently; and
- carry out everyday activities, like household tasks or interacting with people.

There are different causes of a learning disability. They usually happen when the brain is still developing. This could be before or during birth, or in early childhood.

It's important that people with a learning disability get the right support. With support, most people with a learning disability in the UK can lead independent lives.

Across the UK within NHS Learning Disability Services the term “learning disability” is used within conversation, policy, and legislation. In research, the term “intellectual disability” is sometimes used to promote consistency across different countries (**Truesdale and Brown, 2017**).

Denholm (2015) tells us that learning disabilities can be categorised into four groups based on IQ score – mild, moderate, severe, and profound:

- IQ 50-69 - Mild
- IQ 35-49 - Moderate
- IQ 20-34 - Severe
- IQ < than 20 - Profound

An IQ score on its own is not sufficient to define the level of learning disability; IQ scores can fluctuate (**Denholm, 2015**). Within the Keys to Life strategy (**Scottish Government, 2013**), people with learning disabilities are described as having a significant, lifelong, condition that started before adulthood, which affected their development, and which means they need help to: understand information; learn skills; and cope independently. An adult is age 16 and above if not in full time education, or age 18 and above once left education provision.

A Learning Disability is NOT:

Dyslexia, dyspraxia, deafness, blindness, mental ill health, a head Injury after age of 18, ADHD, Autism Spectrum Disorder, Aspergers or a physical disability.

The prison population

7% of prisoners have an IQ of less than 70, and a further 25% have an IQ of less than 80 (**Mottram 2007**).

What happens if we transfer the research findings in England to the prison population within Scotland: Assuming a population of 7,000 in Scotland, the research suggests that on any given day about 500 prisoners will have IQs in the range of technical learning disability, while an additional 1,400 – 1,750 will require some additional support. (**Loucks and Talbot 2007**).

ADDITIONAL RESOURCES

<https://soldnetwork.org.uk/videos/darren-experience-of-the-cjs-for-someone-with-a-learning-disability/>

The Foundation for People with Learning Disabilities (FPLD) website offers practical support. For example, it offers an easy-read resource called Feeling down: looking after my mental health - <https://www.learningdisabilities.org.uk/learning-disabilities/publications/feeling-down-looking-after-my-mental-health>

NHS Scotland learning disability employment: tools and guidance - easy read version - <https://www.gov.scot/publications/easy-read-nhsscotland-learning-disability-employment-tools-guidance/>

SOLDA-CJS – Support for offenders with learning disabilities and/or autism in the criminal justice system is a web based resource to provide support for people with learning disabilities and/or autism who you may come in contact with as part of your professional role.

Website can be accessed here: <http://www.solda.co.uk/>