

# Staying Positive: The Criminal Justice System and Learning Disabilities

Easy Read Information for people with  
Learning Disabilities and Learning Difficulties



**DH INFORMATION READER BOX**

Policy	Estates
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<b>For Recipient's Use</b>	

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# Foreword



**I am really happy that 'Positive Practice, Positive Outcomes' has been updated for the Criminal Justice System.**

This booklet is to help people with a learning disability who find themselves in contact with the Criminal Justice System to get good support and to help them understand their rights.

A lot of work is being done to make things better but much more needs to happen.

My job is to be part of the team that makes 'Valuing People Now' happen, and to make sure that the lives of all people with learning disabilities change for the better.

This includes making sure that people with learning disabilities get good support from the Criminal Justice System.

A handwritten signature in black ink, appearing to read 'Scott Watkin'.

**Scott Watkin**

*Co-National Director of Valuing People, Department of Health*

# About this booklet



.....

This booklet lets people know what information **staff** in the criminal justice system have been given about learning disabilities and learning difficulties.



.....

This booklet also explains a bit about how the Criminal Justice System works and who can support people if they have broken the law.



.....

You should ask a friend, an advocate or support worker to help you if you need support to understand this booklet.

# Introduction



.....  
**People with learning disabilities and learning difficulties are sometimes arrested for breaking the law.**

This means they will go into the 'Criminal Justice System.' The Criminal Justice System is a term used to mean the police, courts, prison and probation.

It deals with people who break the law. These people are called 'offenders.'

People with learning disabilities and learning difficulties in the Criminal Justice System may need extra support with things like:



.....  
● Knowing their rights.



.....  
● Understanding written and spoken information.



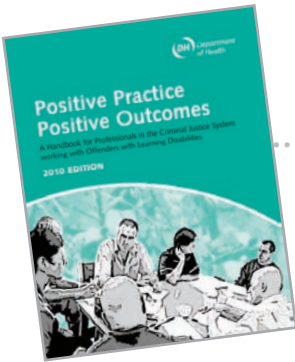
.....  
● Explaining themselves to staff.



- Understanding how the Criminal Justice System works.



- Knowing who can help and support them.



Another book called 'Positive Practise, Positive Outcomes 2011' has been written for **staff** working in the Criminal Justice System.

It gives the staff information about learning disabilities and learning difficulties.

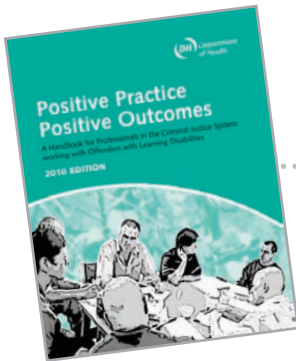


This will help staff to understand the laws that protect people with learning disabilities and learning difficulties in the Criminal Justice System.



The book also gives examples of good work from around the country.

# What information do staff have about people with learning disabilities and learning difficulties?



Staff in the Criminal Justice System were given a book called: "Positive Practice, Positive Outcomes: A Handbook for professionals in the criminal justice system working with offenders with learning disabilities".



'Positive Practice, Positive Outcomes' says:

- What a learning **disability** is,
- What a learning **difficulty** is, and
- It talks about other conditions, like autism and ADHD (attention deficit hyperactivity disorder).



'Positive Practice, Positive Outcomes' talks about the health and social care issues that people with learning disabilities and learning difficulties might have.





It talks about the communication problems that some people have.

It also gives tips on how to make information more 'accessible' and easy to understand.



The book gives information about what some people are doing to help people with learning disabilities and learning difficulties in the Criminal Justice System.

'Positive Practice, Positive Outcomes' tells staff about the important laws that protect people with a learning disabilities and learning difficulties.



It explains how these work in the criminal justice system.

These laws are:

- The Disability Discrimination Act/The Equalities Act.
- The Mental Health Act.
- The Mental Capacity Act.



.....

“Positive Practice, Positive Outcomes” tells staff in the Criminal Justice System about the people that can help them to work better with people with learning disabilities and learning difficulties.



.....

‘Positive Practice, Positive Outcomes’ also has a list of books and websites so people can get more information.

# Learning disabilities and learning difficulties in the Criminal Justice System



Some people with learning disabilities and learning difficulties will go through all the stages of the Criminal Justice System. Some people do not.



Police



Court



Prison



Probation



Certain staff will decide whether someone should stay in the Criminal Justice System.

This could be a Judge or a doctor.



..... They look at the type of crime the person might have done.

The court decides if they think the person is 'guilty.'

**'Guilty' means when someone has broken the law and committed a crime.**



.....

The staff who make this decision also think about if the person can cope with the Criminal Justice System.

Some people are too 'vulnerable' or too unwell to be in prison.

**If someone is 'vulnerable' it means there is a chance they could be hurt or badly treated by someone else.**

The person might then go to another support service instead.

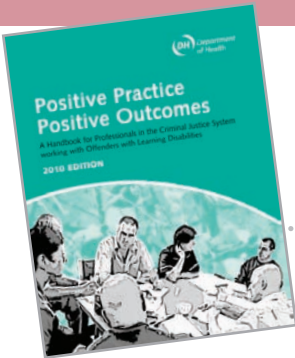


.....

If you are ever in the Criminal Justice System you should tell staff:

- If you have a learning disability or learning difficulty.
- How some things can be more difficult for you to do.
- When you need extra help to understand or explain things.

# Police



The book called "Positive Practice, Positive Outcomes," gives information to staff in the police force.

It says that it is important to find out early on if people have a learning disability or learning difficulty.



The police should tell other staff if a person has a learning disability or learning difficulty.

They should also explain to other staff the things the person finds difficult.



When someone is arrested they will speak to the 'custody officer' at the station.

It is the custody officer's job to find out about any medical problems or any special needs the person might have.

This includes if they have a learning disability or learning difficulty.



Police staff will decide if a person is 'vulnerable.'

**If someone is 'vulnerable' it means there is a chance they could be hurt or badly treated by someone else.**

..... If a person is vulnerable then they should have an 'Appropriate Adult' to help them at the police station.



People under 17 years old must also have an Appropriate Adult with them.

..... An 'Appropriate Adult' does not work for the police.

Their job is to help the person understand what happens after you have been arrested.



**If a person is 'arrested' it means the police think they might be involved in a crime.**

..... The police will ask the person questions about what they have been doing.

The Appropriate Adult also makes sure that the police respect the person's rights.

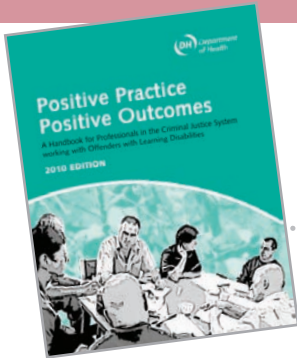


The Appropriate Adult is not a solicitor.

..... If a person is arrested they also have the right to a solicitor.

A solicitor can give a person advice about the law and the Criminal Justice System and also help to protect the person's rights.

# Courts



The book called “Positive Practice, Positive Outcomes” says that staff in the courts should check that the person understands why they are in court.



‘Positive Practice, Positive Outcomes’ explains what staff should do if they think a person needs an assessment or needs extra help to understand.

Staff were given a list of ‘Reasonable Adjustments’ that the court is allowed to make.

‘Reasonable Adjustments’ are changes to the normal way things are done that will help the person to understand things and cope better.



These are things like:

- Letting the person see the court room before a trial.



- Having short breaks during the trial.

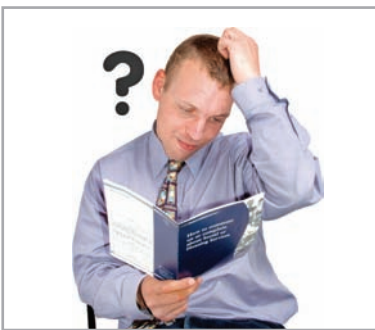


- Staff explaining any difficult words and keeping things simple.



The book also describes extra things staff should think about when they decide on the 'sentence' for a person who has broken the law.

**The 'sentence' explains the things the person has to do because they have broken the law.**

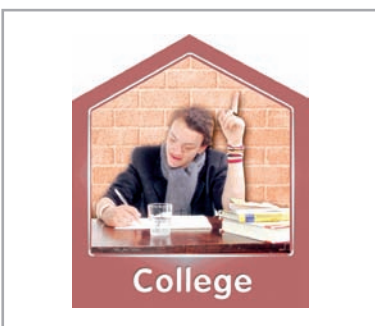


Some of the things staff can do to help people with a learning disability or learning difficulty are:

- Make sure the person understands their sentence. (This means what they have got to do and what they are not allowed to do).



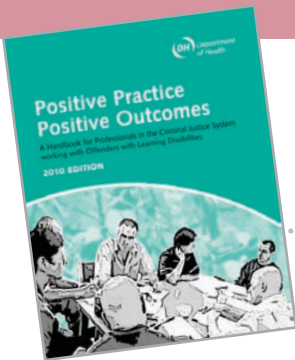
- If the person has to pay a 'fine' make sure that they understand their money and how to pay.



- Make sure the person can do any courses or classes that might help them.



# Prison



The book called “Positive Practice, Positive Outcomes” explains to staff that a person with a learning disability or learning difficulty might need extra help to do courses and classes in prison.



The book explains to staff that all prisons must have a ‘Disability Liaison Officer.’

This person is sometimes called a ‘D.L.O.’

They are also sometimes called an ‘Equalities Officer’ or a ‘Diversity Officer’.



They work in the prison and know about disability issues.

They can help prisoners with learning disabilities and learning difficulties.



They also give information to other staff to help them support a prisoner with learning disabilities or learning difficulties.



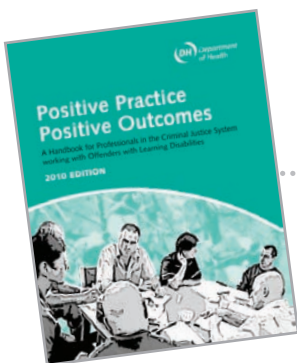
..... Healthcare staff can help prisoners with some types of problems.



..... Education staff can also help prisoners sometimes.



..... In some prisons, each prisoner will have a 'personal officer' who can give them support and information.



..... 'Positive Practice, Positive Outcomes' explains to staff the extra things they should think about if they are working with a prisoner with learning disabilities or learning difficulties.



These are:

- When a person first arrives in prison they should be asked if they have a learning disability or learning difficulty.



- Prisoners with learning disabilities or learning difficulties are more vulnerable and should not be put in dangerous situations.



- Prisoners with learning disabilities and learning difficulties have equal rights.

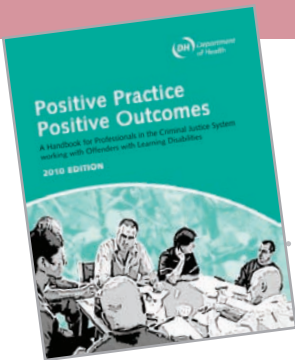


- Staff should try to find courses and activities the prisoner can understand.



- Staff will need to give prisoners with learning disabilities or learning difficulties extra time when helping them plan for their life after leaving prison. They will need extra time to plan their release.

# Probation



The book called “Positive Practice, Positive Outcomes” gives information to staff about people with a learning disability or learning difficulty.

It explains that they will probably need extra help to understand what they must do when on probation.



This includes help with some everyday things like sorting out the person’s money, finding them a house or a job and joining different groups.

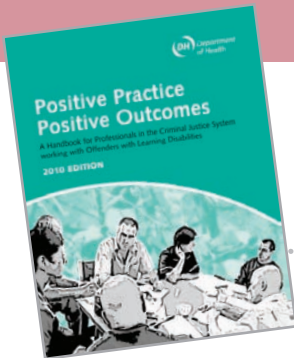


‘Positive Practice, Positive Outcomes’ explains to staff that they should work with the local Community Learning Disability Teams to help people with learning disabilities on probation.



Staff should also work with other types of support teams and with other criminal justice staff to make sure that the right people know what support the person needs.

# Getting the right help and support



The book called “Positive Practice, Positive Outcomes” describes different groups in the community that might be able to help criminal justice staff.



It is important that staff in the Criminal Justice System check to see if someone has a learning disability or learning difficulty.



“Positive Practice, Positive Outcomes” explains to staff who to contact if they think a person needs an ‘assessment.’

An ‘assessment’ is where an expert comes to check whether the person actually has a learning disability or learning difficulty.



The person has to have their assessment before they are allowed to carry on through the stages of the Criminal Justice System.



..... If staff in the Criminal Justice System know that someone has a learning disability or learning difficulty they can contact the correct services in the community.

The community services can help the staff and the person with learning disabilities or learning difficulties.



..... 'Positive Practice, Positive Outcomes' describes the different community groups for the criminal justice staff. These are:

- **Community Learning Disability Teams**

These are teams of people who can do assessments, give advice and give support for people with learning disabilities.



- **Criminal Justice Liaison and Diversion Teams**

These are teams of people who work with the Criminal Justice System and with the health and social care services.

They can help people at different stages of the Criminal Justice System.

They check that people are able to cope with the Criminal Justice System.



..... ● **Child and Adolescent Mental Health Services (CAMHS)**

These are teams of people who can help children and young people with learning disabilities or mental health problems.



..... ● **Youth Offending Teams (YOTs)**

These are teams of people who can help children and young people who have been in the Criminal Justice System.

They work with the CAMHS teams too.



..... ● **Learning Disability Partnership Boards**

These are groups of people who are involved in services for people with learning disabilities.

People with learning disabilities and family carers are also in the group.

They meet to talk about learning disability services in their area.

It will help people with learning disabilities if the Partnership Boards also invite staff from the Criminal Justice System to talk about how they can all work together.



..... ● **Charities and other groups**

There are also lots of other groups that support people with:

- Learning disabilities
- Learning difficulties
- Autism
- Asperger's Syndrome
- ADHD (attention deficit disorder).



..... These groups can give advice to criminal justice staff who are working with a person with learning disabilities or learning difficulties.



..... They can also help people with learning disabilities or learning difficulties.

**Go to page 23 for some useful websites.**





## Websites and companies with helpful information



Department  
of Health

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### Department of Health

The health part of the government.

[www.dh.gov.uk](http://www.dh.gov.uk)

tel: 0207 210 4850



Department  
of Health

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### Department of Health – Offender Health

The group in government who work to meet the health and social care needs of offenders.

[www.dh.gov.uk/en/Healthcare/Offenderhealth](http://www.dh.gov.uk/en/Healthcare/Offenderhealth)

tel: 0207 210 4850



Department  
of Health

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### Department of Health – Valuing People Now Team

This group worked to meet the health and social care needs of people with a learning disability. The program of work finishes in March 2011. You can still find useful information on their website though.

[www.valuingpeoplenow.dh.gov.uk](http://www.valuingpeoplenow.dh.gov.uk)



..... **Mencap**

A national charity that works with people with learning disabilities to make services better for this group of people.

[www.mencap.org.uk](http://www.mencap.org.uk)

**tel:** 020 7454 0454



..... **British Institute of Learning Disabilities**

A national charity that works to try to improve the quality of life for people with learning disabilities.

[www.bild.org.uk](http://www.bild.org.uk)

**tel:** 01562 723 010



..... **Foundation for People with Learning Disabilities**

The Foundation for People with Learning Disabilities works to promote the rights, quality of life and opportunities of people with learning disabilities and their families.

[www.learningdisabilities.org.uk](http://www.learningdisabilities.org.uk)

**tel:** 020 7803 1100



..... **People First Ltd**

A self-advocacy organisation run by people with learning disabilities and difficulties to promote awareness and peoples rights.

[www.peoplefirst.org.uk](http://www.peoplefirst.org.uk)

**tel:** 01604 721 666



..... **Voice UK**

A national charity that supports people with learning disabilities and other vulnerable people who have experienced crime or abuse.

*www.voiceuk.org.uk*

**helpline:** 0845 122 8695

**general enquiries:** 01332 295775



..... **British Dyslexia Association**

A society to help people with Dyslexia improve the quality of their lives.

*www.bdadyslexia.org.uk*

**tel:** 0845 251 9002



Assessment • Education • Training

..... **Dyslexia Action**

A national charity that aims to improve the lives of people with dyslexia through education and training.

*www.dyslexiaaction.org.uk*

**tel:** 01784 222339



..... **Dyspraxia Foundation**

Supports people with dyspraxia through books, advice, a newsletter, and an adult support group.

*www.dyspraxiafoundation.org.uk*

**tel:** 01462 454 986



..... **The National Attention Deficit Hyperactivity Disorder (ADHD) Information and Support Service**

Provide information about ADHD to anyone who needs help or advice.

*www.addiss.co.uk*

**tel:** 020 8952 2800



..... **National Autistic Society**

A national charity for people with autism and Asperger syndrome. They provide information, support and services, and they campaign for a better world for people with autism.

*www.nas.org.uk*

**tel:** 020 7833 2299



..... **Prison Reform Trust**

A national charity that works to promote the rights of people in prison.

*www.prisonreformtrust.org.uk*

**tel:** 020 7251 5070



..... **Revolving Doors Agency**

A national charity that aims to improve services for people with problems who are often in the Criminal Justice System.

*www.revolving-doors.co.uk*

**tel:** 020 7253 4038



## Turning Point

A national health and social care organization that provides services for people with complex needs, including people with a learning disability.

[www.turning-point.co.uk](http://www.turning-point.co.uk)

tel: 020 7553 5220



## Nacro

A charity that works to change the lives of offenders to help reduce crime.

[www.nacro.org.uk](http://www.nacro.org.uk)

tel: 020 7840 7200



## National Appropriate Adult Network

This is the national group that advises organisations who are running appropriate adult services.

[www.appropriateadult.org.uk](http://www.appropriateadult.org.uk)

tel: 0208 378 2736



## Easy Health

A website that has lots of helpful Easy Read information on different areas of health.

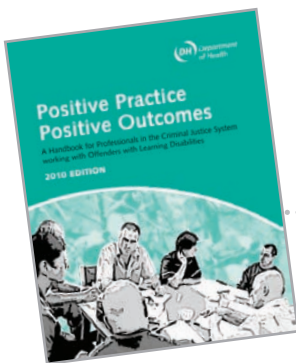
[www.easyhealth.org.uk](http://www.easyhealth.org.uk)



This booklet was written by Neisha Betts with help from the National Learning Disabled Offender Steering Group and The Skillnet Group.



This booklet was published by the Department of Health (the Valuing People Now team and Offender Health).



This booklet is designed to tell people with learning disabilities or learning difficulties about a book that has been given to staff in the Criminal Justice System.

The book given to criminal justice staff is called:

'Positive Practice, Positive Outcomes: A handbook for professionals in the Criminal Justice System working with offenders with learning disabilities.'

You can get a copy of the 'Positive Practice, Positive Outcomes' (2011) book from the internet:



[www.dh.gov.uk/en/Healthcare/Offenderhealth/DH\\_4032016](http://www.dh.gov.uk/en/Healthcare/Offenderhealth/DH_4032016)

[www.valuingpeoplenow.dh.gov.uk/content/offenders](http://www.valuingpeoplenow.dh.gov.uk/content/offenders)

You can also get copies of **this** information booklet at these same websites.



This booklet was designed by Foundation Design



The pictures are from Photosymbols, West Midlands Police and HM Courts Service.



