



Good Practice Guide for Justice Professionals

**Guidelines for supporting Clients
and Users of the Justice System
who have Dyslexia and other
Specific Learning Difficulties**



Revised 2012

Who is this Guide for?

This guide offers practical advice on the impact of Specific Learning Difficulties in police, court and tribunal settings.

It is designed for practitioners and staff working in the Justice System:

Judges

Tribunal Benches

Magistrates

Courts and Tribunal Service (HMCTS) Staff

Barristers

Solicitors

Legal Executives and Legal Advisers

The Crown Prosecution Service

The Police Service

Police Force Medical Examiners / Appropriate Healthcare Professionals

The Youth Justice Board

Youth Offending Teams

The Probation Service

Forensic Psychologists

The Parole Board

Nacro

This subject has been addressed by the Judicial College in the Equal Treatment Bench Book, Sections 5.5, 5.6 [<http://www.judiciary.gov.uk/>]

Good Practice Guide for Justice Professionals

The overall aim must be to ensure that the disability does not amount to a handicap to the attainment of justice.

Equal Treatment Bench Book, 5.1.4

This Guide is dedicated to the memory of

Professor Emeritus Tim Miles O.B.E.,

Vice President of the B.D.A., Founder of
Bangor Dyslexia Unit.

11 March 1923 to 11 December 2008

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A hard copy is available from the British Dyslexia Association or DANDA.
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1. Introduction

This chapter describes the family of **Specific Learning Difficulties**, clarifying the terminology, describing problem areas and outlining associated strengths. It concludes with a discussion of relevant legislation.

1.1. Overview of Specific Learning Difficulties

Dyslexia and related Specific Learning Difficulties are the most common disability to be encountered in the Justice System. As 'Hidden Disabilities' they are the least understood and can give rise to significant disadvantages in police and legal settings, even leading to miscarriages of justice.

Many affected young people and adults have not had their difficulties formally identified and do not fully understand their own problems. Others may be reluctant to admit to weaknesses.

Some adults can produce diagnostic assessments but find that these are not always taken into account. An appreciation of the possibility of Specific Learning Difficulties is therefore essential for justice professionals, in order to promote appropriate outcomes.

Dyslexia is the most well known of these disabilities and affects around 10% of the population, 4% severely. Specific Learning Difficulties are a family of related conditions with considerable overlap between them. Together they are believed to affect around 15% of the population to a lesser or greater extent.

Specific Learning Difficulties affect the way information is learned and processed. They are neurological (rather than psychological), usually hereditary and occur independently of intelligence. They include:

- **Dyslexia**
- **Dyspraxia or Development Co-ordination Disorder**
- **Dyscalculia**
- **Attention Deficit Disorder**

Dyslexia Contrary to popular misconception, Dyslexia is not only about literacy, although weaknesses in literacy are often the most visible sign. Dyslexia affects the way information is processed, stored and retrieved, with problems of memory, speed of processing, organisation and sequencing.

Dyspraxia is a difficulty with co-ordination and the organisation of movement; thought-processing can also be affected. There may be difficulties judging socially acceptable behaviour, anxiety in unfamiliar situations, orientation/place-finding problems and the experience of sensory overload. Articulation and pronunciation may also be affected.

In common with dyslexia, there are memory and organisational weaknesses.

Dyscalculia is characterised by an inability to understand simple number concepts and to master basic numeracy skills. There are likely to be difficulties dealing with numbers at very elementary levels; this includes learning number facts and procedures, telling the time, time keeping, understanding quantity, prices and money.

Difficulties with numeracy and maths are also common with dyslexia.

ADHD/ADD. Signs of **Attention Deficit (Hyperactivity) Disorder** include inattention, restlessness, impulsivity, erratic, unpredictable and inappropriate behaviour, blurting out inappropriate comments or interrupting excessively. Some people come across unintentionally as aggressive. Most fail to make effective use of feedback.

If no hyperactivity is present, the term **Attention Deficit Disorder** should be used: these individuals have particular problems remaining focused so may appear 'dreamy' and not to be paying attention. People with this condition are very easily distracted, lose track of what they are doing and have poor listening skills. By failing to pay attention to details, they may miss key points.

Autistic characteristics can co-exist with the conditions described above. Those affected often demonstrate unusual behaviours due to inflexible thinking, over-reliance on routines, a lack of social and communication skills. One result of this mindset is that they are not good at creating, telling and sticking to lies.

People with **Asperger Syndrome** may have learned to largely conceal their problems but still find any social interaction very challenging and panic easily when they cannot cope.¹

For further information on these conditions see the Glossary in [Appendix 3](#) and [Appendix 4](#).

Since Specific Learning Difficulties are still not adequately understood in all schools, many children and young people pass through education unidentified and unsupported.

1.2. Terminology

Be aware that similar terminology can lead to confusion. For example, the term 'Learning Difficulties' or 'Learning Disabilities' is generally applied to people with generalised (as opposed to specific) difficulties who are of low intelligence and often lack mental capacity. Many people with Specific Learning Difficulties tend to refer to themselves as having a Specific Learning **Difference** (both generally abbreviated to SpLDs), while others regard a label containing the word 'Learning' as inappropriate when they are no longer in education.

1.3. Areas of Difficulty

It is important to bear in mind that no two people with Specific Learning Difficulties will have exactly the same profile of strengths and weaknesses. However the areas of difficulty listed below are typical:

Information Processing

- Difficulties with taking in information efficiently (this could be written or auditory)
- Slow speed of information processing, such as a 'penny dropping' delay between hearing something and understanding and responding to it

¹ The issue of autism and the Justice System is addressed more fully in the National Autistic Society publication: **Autism, a Guide for Criminal Justice Professionals.**

Memory

- Poor short term memory for facts, events, times, dates
- Poor working memory; i.e. difficulty holding on to several pieces of information while undertaking a task e.g. taking notes as you listen, coping with compound questions
- Mistakes with routine information e.g. giving your age or the ages of your children
- Inability to hold on to information without referring to notes

Communication skills

- Lack of verbal fluency and lack of precision in speech
- Word-finding problems
- Inability to work out what to say quickly enough
- Misunderstandings or misinterpretations during oral exchanges
- Over-loud speech (which may come across as aggressive) or murmuring that cannot be clearly heard
- Sometimes mispronunciations or a speech impediment may be evident

Literacy

- Lateness or difficulty in acquiring reading and writing skills. Some dyslexic adults have severe literacy problems and may be functionally illiterate
- Where literacy has been mastered, residual problems generally remain such as erratic spelling, difficulty extracting the sense from written material, difficulty with unfamiliar words, an inability to scan or skim text
- Particular difficulty with unfamiliar types of language such as legal terminology, acronyms

Sequencing, Organisation and Time Management

- Difficulty presenting a sequence of events in a logical, structured way
- Incorrect sequencing of number and letter strings
- Tendency to misplace items; chronic disorganisation
- Poor time management: particular difficulties in estimating the passage of time

Direction and Navigation

- Difficulty with finding the way to places or navigating the way round an unfamiliar building

Concentration

- Weak listening skills, a limited attention span, problems maintaining focus
- A tendency to be easily distracted, inability to remain focused

Sensory Sensitivity

- A heightened sensitivity to noise and visual stimuli
- Impaired ability to screen out background noise or movement
- Sensations of mental overload / switching off

Lack of awareness

- Failure to realise the consequences of their speech or actions
- Failure to take account of body language
- Missing the implications of what they are told or interpreting it over-literally

Visual Stress

- Some people with dyslexic difficulties may experience visual stress when reading
- Text can appear distorted and words or letters appear to move or become blurred
- White paper or backgrounds can appear too dazzling and make print hard to decipher

Read Regular is created without copying or mirroring shapes. Therefore the frequency of repeated shapes in a text is decreased. This results in a minimum chance of visual distortions (swirl-effect). The aim is to create interesting typography that will maintain the readers' interest and will prevent them from getting bored or frustrated. Diversity in text knows many variations. We must understand the fact that typography for a novel is different from a magazine or a publication for education. Even so a novel has the potential to be clear and interesting. This can be achieved in any level of creativity, thinking on type size, leading, the amount of words on a sentence and the character/paper combination.

Example of Visual Stress

It must be emphasised that individuals vary greatly in their Specific Learning Difficulties profile. Key variables are **the severity of the difficulties** and the ability of the individual to identify and understand their difficulties and successfully **develop and implement coping strategies**.

By adulthood, many people with Specific Learning Difficulties are able to compensate through technology, reliance on others and an array of self-help mechanisms - the operation of which require sustained effort and energy. Unfortunately, these strategies are prone to break down under stressful conditions which impinge on areas of weakness, for example: police questioning, interviews with lawyers, court or tribunal hearings.

1.4. Effects of stress

Research and self-reporting both concur that people with Specific Learning Difficulties are particularly susceptible to stress², compared with the ordinary population, with the result that their impairments become even more pronounced. As a result of their difficulties, many people with Specific Learning Difficulties have little confidence and low self-esteem.

Case Study highlighting Specific Learning Difficulties under stress

CJ's performance in court demonstrated the impact of stress on a normally sociable communicative individual. A slight delay between hearing something and understanding it meant that CJ was unable to give an immediate response but suffered a 'penny dropping' delay before being able to work out what the question was asking.

Sometimes his answer would reveal that he had missed the point, sometimes pronunciation difficulties would cause him to stumble or he would mix up his words. Being aware that he was making a poor impression, his stress worsened until he was barely audible.

Midway through the proceedings, he had reached mental overload and was unable to think clearly. Afterwards, although he won his case, CJ could only comment: "I went completely to pot there!"

² Further information in **Dyslexia and Stress** edited TRM Miles (revised 2004), which contains a chapter on stress factors and the courts.

1.5. Areas of Strength

On the positive side, Specific Learning Difficulties are also linked to a range of skills. These include 'big picture' thinking, problem-solving and lateral thinking abilities, an instinctive understanding of how things work, originality, creativity and exceptional visual-spatial skills.

Famous individuals with Specific Learning Difficulties include Einstein, Churchill, JFK, Agatha Christie, Richard Branson, James Dyson, Sir Jackie Stewart, leading artists, architects, engineers, entrepreneurs, sportsmen and many stars of stage and screen.

Not all people with dyslexia and related difficulties will have outstanding talents, but all will have comparative strengths and often demonstrate great perseverance and determination.

1.6. Disability Legislation

As life-long conditions affecting daily life, dyslexia and related Specific Learning Difficulties were recognised as disabilities under the **Disability Discrimination Act** (1995 onwards); this was replaced by the **Equality Act** in 2010, in which Disability became one of nine **protected characteristics**. The disability definition remains the same.

While Court and Tribunal judgements are specifically excluded from equality legislation, the courts are included in the duty to make **reasonable adjustments** in order to remove barriers for people with disabilities. This duty is broken down into three requirements and is anticipatory.

The first requirement is changing the way things are done (**a provision, criterion or practice**). Organisations are challenged to consider whether their rules, whether written or unwritten, present barriers to disabled people and put them at a disadvantage when accessing their services. It might be reasonable for them to stop the practice completely, or to change it so that it no longer acts as a barrier.

The second requirement relates to barriers created by the physical features of premises.

The third requirement involves providing extra aids or equipment and additional or alternative services. The law stipulates that **reasonable steps** must be taken to provide them if they would enable (or make it easier for) disabled people to make use of the services of the organisation.

From April 2011, the public sector **Equality Duty** has encouraged public bodies to consider how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all, meeting different people's needs. Public bodies must have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between people.

Earlier legislation includes the **Human Rights Act** (1998); this established the right to a fair trial and flags up that **special arrangements** may have to be made for some parties. A year later, the **Youth Justice & Criminal Evidence Act** referred to special measures for eligible witnesses suffering from a mental disorder or having a significant impairment of **intelligence or social functioning**. While this does not categorically identify Specific Learning Difficulties, we believe such measures are often appropriate.

To date, this process has focused on physical disabilities and mental illness, neglecting the needs of the large population with Specific Learning Difficulties. This Guide will assist those with responsibility for Equality and Diversity within their organisations to remedy this situation.

2. Implications for the Justice System

This chapter encompasses criminogenic factors and the challenges faced by people with Specific Learning Difficulties in the courts. Special consideration is given to the situation of Litigants in Person. It should be stressed that not everyone with Specific Learning Difficulties has severe difficulties with all the problem areas. Some may have only slight problems or few areas of difficulty.

2.1. Witness Performance

The UK Justice System places considerable emphasis on witness performance in court in determining outcomes in contrast to other countries, for example Sweden, where documented evidence forms the substantial part of the process.

Vulnerable groups, including those with Specific Learning Difficulties, can therefore be at a significant disadvantage in UK courts. Furthermore, where English is not the first language it is all too easy to attribute communication difficulties to an incomplete grasp of English, plus various cultural, educational and emotional factors, rather than considering further complications such as dyslexia.

The situation may be less disadvantageous in parts of the Justice System where the claimant's written statement stands as the principal evidence. Less weight is therefore attached to oral presentation, although poor performance can still affect the outcome.

However, while poor communication skills may have an adverse effect on a case, they may also serve to highlight the witness's disability, provided the court or tribunal has an understanding of the significance of the Specific Learning Difficulty in the context of the case under consideration.

A focus group of adults with Specific Learning Difficulties, discussing their experiences in courts and tribunals, expressed a concern that they were unable to 'perform' as expected.

2.2. Criminal Justice System

Dyslexia and related conditions are heavily over-represented among those convicted of criminal offences. Studies have identified between 20 and 40% of the prison population as having one or more Specific Learning Difficulty, with an even higher proportion among young offenders.

There are a number of contributory factors:

- School failure, including bullying, leading to poor self-esteem, frustration, anger
- Alienation and disaffection leading to truancy, petty crime
- Lack of employment opportunities

Some people with Specific Learning Difficulties have reported self medicating with illegal substances to help alleviate symptoms, including depression. Calls to charity helplines frequently paint a picture of a lonely, disaffected young man who falls in with a criminal set and finds acceptance there.

Case Study from the British Dyslexia Association Helpline

My son is 17 years old and has severe dyslexia and dyspraxia. He is easily led and unfortunately got in with the wrong crowd. Some of the members of the group were involved in criminal behaviour and there were arrests, including my son, although he was only on the fringes of things.

At the Police station I told them of his difficulties, but he was cleared by the Police Surgeon (Force Medical Examiner) as fit for interview. During the interview he was asked things in a random way, out of chronological order. He couldn't remember and provided inconsistent answers becoming increasingly confused, stressed and inarticulate. He was charged and subsequently convicted.

While Specific Learning Difficulties are not an excuse for criminal behaviour, they can give rise to vulnerability and situations where individuals find themselves in an offending situation as a consequence of their difficulties. Furthermore, responses to questioning about an alleged offence may have the result of implicating them in the offence, when their involvement is minimal.

2.3. Civil Courts

Specific Learning Difficulties can impact on appearances in County and Family Courts in a number of ways:

- Civil matters, particularly those involving non-payment of debt and arrears, can be a difficult area for people with Specific Learning Difficulties. People with dyscalculia can easily get into serious difficulties with financial matters, leading to escalating debt
- Similarly, dyslexic people with poor literacy skills, poor memory and weak organisational ability can find themselves in serious trouble through forgetting to pay their bills, neglecting correspondence or not responding to a summons
- People with Specific Learning Difficulties also struggle to make their points in growing numbers of child custody cases

Case Study highlighting Dyscalculia

Mr M was always very poor at numbers and mathematics from his earliest years in school. He was shouted at and bullied because of his poor performance.

Specialist assessment showed he lacked innate understanding of numeracy: dyscalculia. As an adult, he gained employment as a hairdresser in a prestigious London salon. A partner was taken to court for money laundering.

Mr M was also summoned, accused of fraud and had to attend a prolonged trial. His defence was: he never dealt with money, bank statements or had any idea of costs. He still lost his job because of his possible link with criminal activity.

2.4. Courts and Hearings: the Challenges

An appearance in court is generally a stressful experience for anyone, but if the defendant, witness or claimant has Specific Learning Difficulties it will be particularly challenging on a number of levels. The following section outlines potential difficulties associated with court and tribunal hearings.

Getting there on time

- A tendency to muddle appointment times and dates
- Difficulty in locating an unfamiliar venue
- Poor time-management skills

Coping with the Court environment

- An experience of sensory overload from lights, bustle and distractions
- Coping with a room full of strangers in an unfamiliar setting
- A build up of stress, particularly where there are long delays

Case Study: experiences in court

I lost a child care battle this week due to my severe dyslexia. I experienced total disorientation, visual and audio isolation. I could hear things going on but nothing seemed to register or make sense. Important questions were garbled and distorted and in some cases the questions didn't even register. I had an overwhelming sensation of being in a tunnel.

I was asked (unexpectedly) to recall events of several years ago in detail. The order of how I recalled the events was vital to my case. However, I was unable to access my memories of the events clearly and what I did manage to remember I was unable to express in a chronological order or with any clarity.

This was interpreted as evasiveness and I was criticised heavily for not being able to 'keep to my story'.

Coping with Paperwork and Documentation

- Poor literacy, including possible difficulties with visual stress
- Difficulty making applications, applying for Legal Aid, completing forms and dealing with correspondence
- An inability to find the place as directed in the documentation
- Difficulties reading out loud as directed; the resulting embarrassment increases tension and inefficiency
- Inability to assimilate any new documentation at short notice

Cross Examination

- The challenge of following the cut and thrust of court exchanges
- Problems maintaining focus and concentration
- Memory weaknesses: difficulties with giving accurate answers relating to dates, times, place names etc.
- Hesitancy in replying, due to slow speed of information processing
- Trying to give a full answer but only responding to the last part of the question
- Slowness in grasping that a new topic is being addressed
- Difficulty structuring answers and giving consistent information
- Difficulty coping with oblique, implied or compound questions
- Difficulty understanding metaphors, allusions and nuances
- Word finding problems, resulting in the wrong word being said, leading to confusion
- Feelings of panic, resulting in the urge to provide any answer in order to get the proceedings over with as soon as possible
- Mental overload, leading to total shutdown or inappropriate responses
- Difficulty in judging or modulating tone of delivery, often either too loud or too quiet

Consequences of the above difficulties:

- Inconsistencies could appear to imply untruthfulness
- Failure to grasp the point of a question could come across as evasive
- Hesitations can give the appearance of being unsure about evidence, whereas the cause may be slow information-processing
- Lack of eye contact could be misinterpreted as 'shifty'
- An over-loud voice might be regarded as aggressive
- Sudden verbal abuse can be the panic reaction of someone with Asperger Syndrome

Case Study: cross examination

In the High Court, the Claimant, a talented design engineer, was pursuing a case against a leading manufacturing company for breach of contract.

The Respondent's counsel undertook a painstaking and persistent cross examination, going into correspondence and documentation in fine detail, asking the Claimant about dates, times, specifics of agreements, outcomes of meetings etc.

The Claimant often contradicted himself, and in his tone of reply alternated between aggression and meekness. On the second day of cross examination, the Claimant became entirely subdued and agreed to everything put to him. The case collapsed.

His solicitor remarked that this was the worst witness he had ever encountered. The Claimant's significant dyslexic difficulties were not understood at the time.

2.5. Litigants in Person / Unrepresented Parties

The publication **Fairness in Courts and Tribunals**³ underlines the problems faced by unrepresented parties pursuing actions in the courts, even without the additional and very real disadvantages posed by Specific Learning Difficulties. Areas of difficulty for those with SpLDs relate particularly to aspects of higher-level literacy, organisation and working memory.

Form fillings

People with Specific Learning Difficulties cite form filling as a particular challenge. Litigants in Person need to complete complicated forms which are not always easily understood by someone with no legal training. Court staff may be reluctant to help because of the legal implications. The process of acquiring the forms and the procedure for swearing affidavits can also be fraught with difficulty.

Coping with documents during the Hearing

Documents are sometimes introduced in court without having been presented in advance; this puts any witness with Specific Learning Difficulties at considerable disadvantage, and particularly the Litigant in Person with no legal representative to intervene on their behalf. They may require time to read and study the contents, and perhaps seek further advice but be informed that the court schedule does not allow sufficient time for this.

Case Study: Litigant in Person

BD's legal aid was withdrawn part way through a complex case. It was then incumbent on him to instruct specialists and cope with extensive documentation in which precision and correct procedure were paramount. In court he struggled to articulate his points and direct pertinent questions to the expert witness while becoming increasingly frustrated.

He was asked to calm down but was not allowed a break.

Legal Aid

Where an applicant is eligible to apply for Legal Aid, considerable assistance will likely be needed in completing the forms and obtaining the requisite financial information if the individual has Specific Learning Difficulties.

In conclusion, it is highly inadvisable for people with Specific Learning Difficulties to be unrepresented in Court. Possible sources of support include McKenzie or Next Friends and (Witness) Intermediaries. At the time of going to press, the latter have to be paid for in civil and family cases.

³ See **Fairness in Courts and Tribunals**, pages 66-68, Judicial College

3. Guidance on Interviewing and Case Preparation

This chapter focuses on good practice in written and spoken communications. Consideration is given to assessment of disability and preparation for the hearing.

3.1. Special Considerations

Written communications, police interviews, case preparation, court attendance and probation assessments all require particular consideration in the case of people with Specific Learning Difficulties.

Processes may take considerably longer than for other clients, requiring patience and sensitivity. Practitioners are aware that clients, suspects, victims and witnesses are likely to be anxious or distressed but those with Specific Learning Difficulties are particularly prone to stress reactions where their coping strategies break down and all areas of difficulty are highlighted. Some are used to relying heavily on compensatory routines and/or technological devices which are unavailable in court. Others do not fully understand their own condition or its implications.

Given the high numbers of people affected by Specific Learning Difficulties, many of whom have never had a diagnosis, it is most important to consider the suggestions for good practice in communication listed in the following sections.

3.2. Written communications

Many dyslexic clients may have adequate reading ability but still have difficulty comprehending or digesting written material. Some prefer to receive documents in electronic form, enabling the use of text-reading software: a common tool for people with known dyslexic difficulties. Another advantage of reading via a computer is to make use of personal preferences such as enlarged fonts, increased spacing and adapted background colours in order to minimise visual stress.

All written material should be produced in an accessible style (see Appendix 2) and in straightforward language. A glossary of legal terms should be appended. This good practice will also assist those with low levels of literacy and the many clients with undisclosed or undiagnosed Specific Learning Difficulties.

3.3. Interviews

Given the information processing and communication problems which typify Specific Learning Difficulties, the support of an Appropriate Adult should be offered during police questioning. They should be someone with a good understanding of the individual's difficulties, such as a relative, friend or tutor OR a trained Appropriate Adult who has received input on Specific Learning Difficulties.

The following measures will assist the client, suspect or witness with Specific Learning Difficulties in interview situations:

- Give an overview of a subject before going in to details. Summarise where necessary
- Deal with an issue in chronological order: do not jump around in time
- Use simple direct language and avoid multiple or complex questions
- Allow time for responses: do not prompt or press
- Repeat or rephrase a question where necessary to aid comprehension, without implied criticism
- Avoid acronyms, metaphors or nuances
- When reading information, allow pauses to aid processing and comprehension
- Check back to ensure understanding
- Avoid criticism of memory weaknesses
- Make allowances for sequencing difficulties, for instance in the recall of numbers or the chronology of events
- Be aware of limited concentration span
- Be aware that the client, suspect or witness may experience mental overload and 'shut-down'
- Allow regular breaks: at least 10 minutes for every 50 minutes of proceedings, or sooner if it appears that the client has reached mental overload

Case Study: Coping with Questioning

When I worked as a criminal practitioner I was involved in the case of 'Ernie' and 'Patty', both teenagers. A rusty revolver had been found in Ernie's home. When it was suggested that Ernie had the revolver so that he and Patty could rob a post office, he agreed. I was their solicitor for the subsequent criminal proceedings.

Every time I spoke to Ernie to prepare his case he flew into a rage and demanded to know why I was questioning him. I could get no satisfactory instructions, except that he and Patty did not intend to rob anyone. They were tried at the Old Bailey. Ernie's own counsel asked him "Did you intend to use this revolver to rob a post office?" Ernie said "Yes." He was asked the question again and replied "No".

Ernie and Patty received long prison sentences. I was baffled at the time. I now suspect that Ernie was severely dyslexic and probably also had Attention Deficit Hyperactivity Disorder . He was unable to cope with questioning either by me or the police. He would sign anything to end an interview. The court proceedings were completely beyond him.

For information on good practice for clients with Asperger Syndrome, see [Appendix 4](#)

3.4. Case Preparation: Assessment of Disability

Where available, it is essential to obtain and read all assessments and medical reports carefully to grasp the implications of the client's difficulties. Where these are not made clear, it may be necessary to commission a further specialist report in order to ascertain the impact of the disability.

Individual Specific Learning Difficulties vary in their route to assessment and in the specialists involved: Attention Deficit (Hyperactivity) Disorder and Asperger Syndrome are usually diagnosed by psychiatrists specialising in these areas, but Dyslexia, Dyspraxia and Dyscalculia are not considered medical issues and form no part of medical training (despite their neurological bases) and are not within the remit of the NHS.

Dyslexia can be diagnosed by Chartered Psychologists specialising in adult dyslexia who may also be able to identify Dyspraxia, Dyscalculia and Attention Deficit Disorder. These professionals are usually Educational or Occupational Psychologists. Occasionally Clinical Psychologists specialise in this area. Occupational Therapists often play an important part in assessments of Dyspraxia.

The courts often rely on Forensic Psychologists, who are knowledgeable about court documentation and risk assessment, but may not be competent to pronounce on Specific Learning Difficulties. This has resulted in the misinterpretation of test results by identifying traits of Specific Learning Difficulties as risk factors (for example, missing the point of a question may be recorded as deliberate evasiveness). It is therefore most important to ensure that any assessment is carried out by a practitioner with experience of Specific Learning Difficulties in adults.

Assessments can also be carried out by an appropriately qualified tutor, trained in dyslexia, usually with the AMBDA accreditation and a Practising Certificate. They are able to make assessments of verbal and non-verbal intelligence but use different tests from those only available to Psychologists.

In many cases, individuals will not be aware that they have a Specific Learning Difficulty. It is therefore important to be open to the possibility of these conditions. Some clients may suspect they have dyslexia or other difficulties but be unable to afford an assessment or be unwilling to proceed further. Some may have been screened for Specific Learning Difficulties using a recognised screening tool, but this type of test only provides an indication of possible difficulties - it is not a diagnosis.⁴

Specific Learning Difficulties are life-long conditions and an assessment carried out in school years would be a valid diagnosis, but it would not be able to offer insights into the client's particular levels of difficulty as an adult. An up to date reassessment is recommended.

Advice on appropriate practitioners for diagnostic assessments can be obtained from the helplines or websites of the British Dyslexia Association, DANDA, ADDISS (Attention Deficit Disorder Information and Support Service) or National Autistic Society. It should be appreciated that it may not always be easy to obtain assessments at short notice.

⁴ On-line screening tests include SPOT, which is available on the BDA website: www.bdadyslexia.org.uk

3.5. Taking Instructions

Where dyslexia and related conditions have been diagnosed or are suspected, particular care should be taken with case preparation. It may take considerable time and ingenuity to tease out the essentials of the case and assess its viability.

Verbal or written accounts from these clients may be unstructured, inconsistent and unreliable, with memory lapses often for important events. Clients may be disorganised and may mislay vital papers connected to their case. Details of names, dates and events, often essential in deciding on the viability of the case, should be checked where possible and a detailed chronology produced.

If the circumstances are still on-going, the client should be instructed to keep a diary of incidents (to mitigate memory weaknesses). Detailed notes should also be made of the import of phone calls as these may be important sources of instruction which the client may not fully retain.

When commissioning a report the solicitor must be sure to direct that the following aspects of their client's functioning are included:

1. Information on areas of strength and weakness
2. The implications and consequences of the client's Specific Learning Difficulties
3. Compensatory strategies and the effects of stress
4. Recommendations for Reasonable Adjustments

The following illustrates the bad experience of a client with dyslexia.

Case Study: Dyslexia and case preparation

I have found the whole legal and medical process in connection with my accident and unfair dismissal claim extremely complex and stressful. This has been compounded by my dyslexia, and I am now suffering from bouts of depression. I have tried, and failed, to make my solicitor aware of dyslexia and how it affects me, but have found her very unsympathetic.

Attempts to explain my dyslexia have often been met with remarks about successful celebrity dyslexics pointing out how well they've done. The suggestion seems to be that I am a failure. Consequently, I feel I have not been able to give a clear account of the events leading up to my unfair dismissal claim, and their impact on my life. I feel very aware that those I'm dealing with have little or no understanding of, or respect for, my disability. I find the whole process both exhausting and dispiriting.

There seems to be little or no recognition that the legal and medical processes are causing me extreme stress because of difficulties stemming from my dyslexia (especially information overload, poor memory, difficulty putting my views over and lack of confidence). These affect my ability to make my case clearly.

My confidence in the whole process, and in particular in the individuals involved, has disintegrated. I am very concerned that I will not be able to put my views over as I would wish at the tribunal. I am afraid that I will be unable to grasp what the questions are seeking to establish and will do myself down.

3.6. Before the Hearing

It is helpful to talk through the following areas with the client: the workings of the court, the form of the hearing and the mechanics of giving evidence. Clients should be given clear directions of how to find the court, including a map with landmarks. A contact name, including direct phone line, should be provided in case of further queries.

A discussion of cross-examination techniques and familiarisation with question areas would help to improve performance and reduce stress on the day.

The necessity for accommodations and Reasonable Adjustments will need to be ascertained and agreed with the client. These measures may include environmental factors, for example lighting, where over-sensitivity to bright lights is an issue. If this is a problem but light levels cannot be adjusted, the client may decide to wear dark glasses; where the solicitor judges that this might create a negative impression he/she must be ready to offer an explanation. The need for short breaks to restore concentration and reduce stress levels should be considered. Some people will have to take medication.

A short document summarising the client's Specific Learning Difficulties and detailing appropriate Reasonable Adjustments should be circulated to all parties, even though this may also be included in the legal report. It would comprise:

- A record of any assessments that have been undertaken
- A brief summary of the individual's particular difficulties which could impact on the hearing
- Recommendations for accommodations in terms of Reasonable Adjustments

A template for such a document is available via the link [www.dyslexia-malvern.co.uk/docs/justice/Accommodating SpLDs in hearings.doc](http://www.dyslexia-malvern.co.uk/docs/justice/Accommodating_SpLDs_in_hearings.doc)

Accommodations and Reasonable Adjustments are explored more fully in the following chapter.

4. Accommodations and Reasonable Adjustments in Court and Tribunal Hearings

This section emphasises the need for staff training and presents ways in which people with Specific Learning Difficulties can be enabled and supported.

4.1. Court Staff

Staff from the Courts and Tribunal Service (HMCTS) should receive awareness training in dyslexia and related conditions so that they are able to offer the most appropriate guidance and assistance. Customer Services is the first port of call and should be able to advise court users with disabilities, informed by the work of the HMCTS Equality Unit. Unfortunately regional Courts Disability Managers and Disability Contact Officers have now been disbanded.

In County and Family Courts, administrative staff should be prepared to offer help with filling in forms and reading documents to clients. They should be sensitive to the fact that some people with Specific Learning Difficulties have awkward social skills and, in stressful situations, may come across as aggressive and demanding. Patience and understanding may be required.

4.2. Hearings

Where Clients are known to have Specific Learning Difficulties, it is important to ensure that the court or tribunal is supplied with copies of a document summarising any previous assessment, detailing the impact of problem areas and listing appropriate accommodations and Reasonable Adjustments (a specimen extract from such a document is included at the end of this chapter). Copies of assessment report(s) should also be made available.

Many people with Specific Learning Difficulties would cope far better in courts and tribunals if they had the following basic accommodations:

- Assistance in locating documentation
- Were not asked to read out loud
- Were asked questions in a simple style, as discussed previously
- Were encouraged to take their time in answering questions so that they could provide a thoughtful response
- Were not pressed with repeated questioning on the same topic
- Had access to a Witness Intermediary or trained Appropriate Adult
- Were allowed regular breaks during the proceedings, as necessary

It may be apparent that someone with Specific Learning Difficulties would cope better if they are allowed to take notes on to the stand. In some cases it may be appropriate to recommend or direct that a list of cross examination topics be provided in advance in order to give a vulnerable witness an opportunity to prepare their responses. It would be considered discriminatory for a counsel conducting cross-examination to suddenly introduce a subject or line of questioning designed to confuse or entrap a vulnerable witness with Specific Learning Difficulties.

There may be situations where the client's lawyer or representative will need to intervene during an examination to protect their client from unfavourable treatment. They will need to be ready to step in when the Client is becoming confused, distressed or in need of a short break to restore composure and concentration. They must be prepared to provide an explanation of why the intervention is being made.

Some clients leave the court or tribunal hearing with a poor recollection of what has transpired. Where a client requires a record of court proceedings, these should ideally be available in an alternative format such as an electronic version suitable for text reading software, or audio tape.

Case Study highlighting reliance on assistive technology

I work for an I.T. company and rely absolutely on my technologies. For example I have 3 reminder systems to keep me organised. When I give presentations, the PowerPoint slides work as prompts. At work they have no problem in allowing me to record meetings and discussions so I can go back over them and check what was said.

But when I went to court for my hearing I could not cope at all. I am used to keeping all the information I need in my organiser but in court I had no way of accessing the details they wanted since I could not accurately recall what happened when.

If I could have had the questions written down or seen them on a screen I would have managed better but apparently I kept answering the last part and ignoring the rest. I could not remember if I was repeating myself or making a new point and I had no solicitor to guide me, just my McKenzie friend.

Worst of all, at the end I could not be sure what had been established and was not allowed a transcript of the proceedings. It was all extremely stressful and frustrating.

4.3. Example of Reasonable Adjustments documentation

The following extract from a document submitted to the courts picks up on many of the points made in this Guide and exemplifies good practice in recording the impact of difficulties and recommending accommodations. It relates to client PM, who is diagnosed with dyslexia, dyspraxia and Attention Deficit Disorder (inattentive type only):

Client PM's Specific Learning Difficulties in the Court Context

Memory Difficulties

- Poor recall of dates and details of incidents (this may give the impression of unreliability)
- Problems estimating the passage of time or recalling when something took place
- Does not retain compound questions (and will probably just respond to the last bit) due to poor working memory – see Listening Skills below
- PM is unable to retain what has been said during interviews / hearings (his usual strategy is to use a recording device so he can go through the session carefully later)

Communication Difficulties: Listening Skills / Speaking Skills

- Very severe impairment in the rapid processing of language

Listening Skills

- Difficulty coping with oblique questions or picking up on the implications of what is said if these inferences are not made explicit
- Missing part of the question / only answering part of the question / failing to take account of the import of a question
- An over-literal approach to imagery / difficulty with metaphorical language

Speaking Skills

- An inconsequential, often garrulous speaking style that does not keep to the point
- Incoherent when under stress

Sequencing Factors

- Difficulty presenting a sequence of events in a logical, structured way - resulting in possible inconsistencies

Literacy issues

- Difficulty with reading due to Visual Stress: symptoms include losing the place, misreading or omitting words, headaches associated with reading, becoming easily distracted during reading and experiencing a 'glare' from white paper
- Great difficulty skimming through documentation or easily locating a piece of information in a court bundle
- Despite being university educated, PM is unable to digest new material 'on the spot'

Attentional Difficulties

- Poor / unfocused listening skills
- A mismatch, at times, between what PM thinks has been said and what was actually said
- Difficulty sustaining attention, leading to mental overload, i.e. inability to participate in the proceedings
- High levels of distractibility
- Difficulties distinguishing the essential from the non-essential

Difficulties associated with Dyspraxia

- Difficulties with organisation
- May misinterpret situations or requests
- May come across as tactless
- Difficulty interpreting the body language of others

Emotional Difficulties.

- Very susceptible to stress; resulting in all impairments becoming more pronounced
- High anxiety levels
- Difficulty coping in unfamiliar settings

Recommended Reasonable Adjustments for Client PM

Spoken communications

- Allow PM to ask for questions to be repeated or re-phrased without censure or (implied) criticism.
- Feedback PM's responses to him, if requested.
- When reading information out to PM, insert pauses after each section to allow the information to be absorbed.
- Take account of likely difficulty with recalling dates, place names, the order in which events occurred / ages key players were at certain stages etc.

Written communications

- Do not require PM to digest new information on the spot – should this situation arise he should be allowed time in a quiet venue to work through the document, with a helper
- Documentation from the court should ideally be adapted to take account of his Visual Stress. Good practice has established that written material should be well-spaced, printed in font size 12 or above and non justified. White paper should be avoided;
- tinted paper, such as cream, pale blue or grey, is preferable

Attentional and Emotional factors

- Be alert to signs of stress and mental overload when comprehension will become increasingly impaired
- Allow breaks to restore concentration (to be negotiated with PM in advance. Good practice would suggest ten minutes for every fifty minutes of the proceedings)

Since Client PM is unable to retain what has transpired during these sessions, he should be supplied with a record of the proceedings. Failure to provide this greatly disadvantages PM in pursuing his case.

5. Law Enforcement Organisations

This chapter highlights issues and procedures that relate to particular areas of the Justice System, namely the Police, Probation Services and Youth Offending Teams.

5.1. Police Procedures

This section focuses on interviewing duties, with particular implications for police trainers, Duty solicitors and those with welfare responsibilities.

The Police Statement of Common Purpose declares:

'Vulnerable persons should be identified at an early stage by the officer dealing with them'

However this aspiration is not always realised in cases of Specific Learning Difficulty.

The Statement refers to **learning disability** and **mental illness**. It will be obvious if someone has a very low IQ, affecting all areas of functioning, or a learning disability such as Downs Syndrome. Mental illnesses may be less apparent but Specific Learning Difficulties and Asperger Syndrome are even more likely to be missed. Often referred to as 'hidden disabilities', the unusual mixture of ability in some areas of functioning and unexpected difficulties in others can be disconcerting, and the professional with no training in this area may feel out of their depth.

The Prison Reform Trust carried out a survey of police procedures within a project entitled **No One Knows** (2008). It reported that police safeguards for dealing with suspects with learning disabilities (including Specific Learning Difficulties) were "patchy and inconsistent" and there was evidence of inadequate follow-through of suspects' rights to legal advice. The knowledge of medical personnel called in to assess vulnerability and disability (now known as Force Medical Examiners or Appropriate Healthcare Professionals) was also criticised in the area of hidden disabilities.

It is essential that awareness of Specific Learning Difficulties is included in all aspects of police training, namely the Initial Police Learning & Development Programme, Custody Officer training, and the work of the Diversity Training Network. In addition, guidance should be available on the National Policing Improvement Agency website. Agencies working with the Police such as Youth Support Services, (Witness) Intermediaries and Appropriate Adults all need to know how to support people with Specific Learning Difficulties.

As it currently stands, none of the questions in the obligatory Risk Assessment would indicate Specific Learning Difficulties unless individuals admit to having problems with reading / writing or declare that they are on medication (such as Ritalin for Attention Deficit Disorder). Furthermore, this screening tool varies from Force to Force rather than an established checklist, reflecting best practice.

In some cases individuals will not know that they have a Specific Learning Difficulty, in others they may choose not to declare it. However if a custody sergeant suspects that there is a potential communication problem, they could consult the Glossary in [Appendix 3](#) and may call in the Force Medical Examiner or Appropriate Healthcare Professional. However, since Specific Learning Difficulties are not seen as medical issues and form no part of general medical training, there is no assurance that these practitioners will be informed about the range of conditions.

(See [3.4 Assessment of Disability](#).)

Even if an Appropriate Adult (AA) is called in (either a family member, carer or trained AA), they will not necessarily be able to advise the officer conducting the interview on the precise impact of the individual's Specific Learning Difficulty. However they should be aware of welfare considerations and be able to assist with communication appropriately.

It is likely that victims and suspects with Specific Learning Difficulties will be particularly anxious or agitated. Some may become aggressive when they cannot cope. Even when custody staff have succeeded in calming them down, they may still be incapacitated by the effects of stress which can make mental functioning, such as taking in the questions and recalling information, almost impossible.

It is important that interviewing officers should be alert to the possibility of difficulties linked to Specific Learning Difficulties at all times. Where it is apparent that a witness or suspect has reading difficulties, the interviewing officer should offer to read out Statements or other relevant documents, in such a way as to cause least embarrassment to the interviewee. If the interviewee requests that written material be read to them, the officer should refrain from adverse comment. Unfortunately the Caution is particularly complicated in its phraseology and is difficult to follow.

The following sections of this Guide are particularly relevant in highlighting areas of impairment in order to avoid the misinterpretation of aspects of behaviour associated with Specific Learning Difficulties.

1.3. Areas of Difficulty.

1.4. Effects of Stress.

2.4. Consequences of the Above: misinterpretation of performance under questioning

3.3. Interviews

The following aspects of good practice should be stressed:

- Refer to key events chronologically (rather than moving backwards and forwards)
- Allow the person being questioned to jot down notes – or make a rough sketch if this is more helpful - and then refer back to check details
- Allow frequent breaks to restore concentration
- Read out Statements and other documentation to the interviewee as necessary

Attention Deficit Hyperactivity Disorder

Suspects, victims and witnesses with Attention Deficit Hyperactivity Disorder present a particular challenge. Useful guidance for the police is available in the publication **The Tipping Points** (See [Appendix 1, Resources](#))

Dyspraxia

Poor co-ordination in people with dyspraxia can give a mistaken appearance of drunkenness.

For a description of these specific learning difficulties, see [Appendix 3](#).

5.2. Probation Procedures

The guidance in [3.3 Interviews](#) and [3.5 Taking Instructions](#) are useful for Probation activities such as preparation of court reports. Subsequent court sentences can lead to a range of interventions. In all of these settings, supervisory staff should be able to access information on the difficulties associated with Specific Learning Difficulties.

When setting up compulsory appointments and supervision arrangements, it is important to be aware of the client's likely organisational and memory difficulties. These could include forgetting the day/time of an appointment, not allowing enough time to reach the Probation office and getting lost on the way. It is therefore important to provide clear information on times, the location of key buildings (including landmarks) and contact phone numbers.

It would be advisable to remind clients of appointments to ensure attendance. Failure of offenders with Specific Learning Difficulties to comply with probation arrangements, often leading to recall to court, was the subject of a project by Greater Manchester Probation Service in 2000. Useful documentation has since been made available to the Service.

Some offenders will be undertaking **Skills for Life** courses to raise levels of literacy and numeracy. Unfortunately many of these courses are not geared to dyslexic learners, so it is important that staff obtain supplementary manuals, differentiated materials and extra tutor information on delivery to learners with disabilities and learning difficulties.

Staff delivering Inductions and Offending Behaviour Programmes should all have basic awareness of the impact of Specific Learning Difficulties and it is essential for Offender Managers.

More general issues relating to offender support are covered in **Offending, E-learning and Dyslexia: A Good Practice Guide** (2007).

The Offender Engagement Programme is a useful initiative, with the aim of maximising the effectiveness of interaction between staff and offenders. The KIWIs short guide was developed with this in mind. [www.dyslexia-malvern.co.uk/docs/justice/Resources for justice sector staff - Kiwis.doc](http://www.dyslexia-malvern.co.uk/docs/justice/Resources%20for%20justice%20sector%20staff%20-%20Kiwis.doc)

A full list of resources, publications and projects can be found in [Appendix 1, Resources](#)

5.3. Youth Offending Teams

Studies have shown that a high proportion of juvenile and young offenders have Specific Learning Difficulties. Few are likely to have been previously diagnosed with dyslexia or related conditions and many will have truanted or been excluded from school.

Case Study on Attention Deficit Hyperactivity Disorder (ADHD)

P had problems at school sitting still and following teacher instructions. He started dropping out of school from the age of 11 and mixing with an older age group who were taking cannabis. P found that this relaxed him and 'stopped his head going'. Escalation to heroin led to drug dependency and related stealing. The strain on his family led to a care placement at the age of 14. By the age of 20 he had received 8 custodial sentences.

However he is now out of prison, receiving treatment for his addiction and assistance from an ADHD support group.

Adapted from **The Tipping Points**

As part of the assessment process to identify the needs of the individual young offender, it is strongly recommended that screening for dyslexia (and, ideally, related conditions) is undertaken. If this proves positive, further investigation and specialist educational support should be arranged, with the aim of improving employment prospects, developing self-esteem and reducing re-offending rates. A good assessment should flag up characteristics linked to any of the Specific Learning Difficulties and feed this information into reports on special needs and recommendations for provisions. Supervising Officers need to be knowledgeable about the behaviours and needs associated with the various Specific Learning Difficulties and be aware of appropriate support strategies.

The restorative approach of a Youth Offender Panel may cause difficulty for young people with poor communication and attentional skills, but with appropriate support there is no reason why they should not benefit from this opportunity. (Communication issues are included in the protocols associated with the **Making it Count in Court** initiative.)

Some Panels have links with a dyslexia specialist but it is unlikely that the other Specific Learning Difficulties are covered. If these conditions are suspected, the Youth Offending Team should contact the appropriate organisation listed in the first part of **Appendix 1**, in order to be directed to local or regional specialists. As seen in the Case Study above, links with local support groups can be an important part of rehabilitation work.

It is strongly recommended that Team Managers and Offender Managers have full awareness training in Specific Learning Difficulties and that this training is offered to representatives of other bodies on the Team.

6. CONCLUSIONS

This Guide has explored the impact of Specific Learning Difficulties in a range of justice settings, outlining the issues that arise and illustrating aspects of good practice.

The significance that the Judicial College now attaches to this formerly neglected area has been underlined by three initiatives:

1. The 2008 revision of the **Equal Treatment Bench Book** contains a new section on Specific Learning Difficulties [Section 5.5] and an updated Disabilities Glossary which reflects the range of Specific Learning Difficulties [Section 5.6]
2. This new input is reflected in revisions of the summary version of the Bench Book: **Fairness in Courts and Tribunals**.
(Both documents are downloadable from the Judicial College website: www.judiciary.gov.uk)
3. Professional development for the judiciary, from 2010, includes some training on the impact of Specific Learning Difficulties in courts and tribunals.

We would recommend that initial training and continuing professional development **for all the professions addressed in this Guide** include a compulsory element in hidden disabilities.

Only when this has been achieved and official guidance is in place will people with Specific Learning Difficulties be able to access justice without the challenges that they currently face.

In conclusion, there are two overarching reasons why professionals across the Justice System should take account of Specific Learning Difficulties:

- Firstly, the widespread nature of these conditions ensures that people with Specific Learning Difficulties come in daily contact with all the agencies in the Justice System
- Secondly, a failure to accommodate what is a recognised area of disability could constitute a breach of disability legislation

Appendix 1: Resources

Organisations for Specific Learning Difficulties (SpLDs)

British Dyslexia Association www.bdadyslexia.org.uk

DANDA (umbrella group for adults with SpLDs) www.danda.org.uk

Dyspraxia Foundation www.dyspraxiafoundation.org.uk

Dyslexia Foundation, a charity for dyslexic adults in the North West www.dyslexia-help.org

Dyslexia Action www.dyslexiaaction.org.uk

Adult Attention Deficit Disorder–UK (AADD-UK): www.aadduk.org

Attention Deficit (Hyperactivity) Disorder, ADDISS: www.addiss.co.uk

National Autistic Society www.autism.org.uk

Dyscovery Centre (resources / research & training on a range of SpLDs) www.dyscovery.org

Further information

On-line screening tests for dyslexia: Spot your Potential on www.bdadyslexia.org.uk

Also www.amidyslexic.com

Downloadable checklists: www.workingwithdyslexia.com

Communication Issues: The Communication Trust www.sentencetrouble/info

Assistive technology www.microlinkpc.co.uk and www.bdstore.org.uk

Justice resources: www.dyslexia-malvern.co.uk/goodpractice

Learning Support for Dyslexic Adults

Pathways Project and Flexible Routeways, Shaw Trust: www.shaw-trust.org.uk

Dyslexia Foundation (Liverpool): www.dyslexia-help.org

Nottinghamshire/Derbyshire/Lincolnshire: www.dyslexia.uk.net

Thames Valley: www.adult-dyslexia-centre.co.uk

England wide: www.workingwithdyslexia.com

Skills for Life courses, where dyslexia tailored course provided.

Visual Stress

Information sheet: Eyes and Dyslexia:

<http://www.bdadyslexia.org.uk/about-dyslexia/further-information/eyes-and-dyslexia.html>

This includes details of organisations with lists of specialist practitioners.

Coloured overlays: www.bdstore.org.uk

Further information on the British Dyslexia Association and DANDA page 39.

Publications and Justice Resources

Judicial College: www.judiciary.gov.uk

1. Equal Treatment Bench Book (sections 5.5 and 5.6)

http://www.judiciary.gov.uk/Resources/JCO/Documents/Training/2009_etbb_5_disability.pdf

2. Fairness in Courts & Tribunals (summary of the Equal Treatment Bench Book)

http://www.judiciary.gov.uk/Resources/JCO/Documents/Training/jsb_fairness_in_courts_tribunals2_web.pdf

Accommodating Specific Learning Difficulties in Hearings, M Jameson (rev 2011)

[www.dyslexia-malvern.co.uk/docs/justice/Accommodating SpLDs in hearings.doc](http://www.dyslexia-malvern.co.uk/docs/justice/Accommodating_SpLDs_in_hearings.doc)

Autism: A Guide for Criminal Justice Professionals, (revised 2011) National Autistic Society

Conduct Disorder & Offending Behaviour in Young People Liabo & Richardson (2007)

Jessica Kingsley Publishers.

Coping with Courts & Tribunals: A Guide for People with SpLDs, M Jameson (2011)

www.dyslexia-malvern.co.uk/docs/justice/Coping With Courts & Tribunals.pdf

Dyslexia and Employment, Edited by S Moody (2009) Wiley-Blackwell.

KIWI Resources [www.dyslexia-malvern.co.uk/docs/justice/Resources for justice sector staff - Kiwis.doc](http://www.dyslexia-malvern.co.uk/docs/justice/Resources_for_justice_sector_staff_-_Kiwis.doc)

Living with Dyspraxia, M Colley (revised 2006) Jessica Kingsley Publishers.

Offending, E-learning & Dyslexia: Good Practice Guide, M Jameson and the Adult Dyslexia

Organisation (2007) [www.dyslexia-malvern.co.uk/docs/justice/Offending and dyslexia guide.pdf](http://www.dyslexia-malvern.co.uk/docs/justice/Offending_and_dyslexia_guide.pdf)

Sentence Trouble (///) The Communication Trust www.sentencetrouble/info

The Adult Dyslexic: Interventions and Outcomes, D McLoughlin et al (2002) Whurr.

The Tipping Points, (Impact of ADHD). P Anderton (2007) ADDISS.

A Framework for Understanding Dyslexia, (2004) DfES

www.texthelp.com/media/39354/USAdultLiteracy.pdf

Projects

Dyslexia Project (2000) Greater Manchester Probation Service.

Challenges and good practice relating to offenders with dyslexia on probation orders.

[www.dyslexia-malvern.co.uk/docs/justice/GMPS information sheets.doc](http://www.dyslexia-malvern.co.uk/docs/justice/GMPS_information_sheets.doc)

Practical Solutions to Identifying Dyslexia in Juvenile Offenders, (2004/2005)

British Dyslexia Association. It was found that 31% of the sample showed signs of dyslexia.

<http://www.bdadyslexia.org.uk/files/Young%20Offenders%20Bradford%20Study%202004.pdf>

The Incidence of Hidden Disabilities in the Prison Population, (2005) Dyslexia Action.

Conclusion: 52% had literacy difficulties and 20% had a hidden disability such as ADHD.

No One Knows: Learning difficulties & learning disabilities in prisons, (2005 to 2008) Prison

Reform Trust. This project was extended to include police custody and court settings.

www.prisonreformtrust.org.uk/uploads/documents/NOKNL.pdf

Appendix 2: Accessibility of Written Materials

This Appendix is in two parts:

1. Creating dyslexia-friendly written material
2. Preparing a document for text reading software

1. Dyslexia-Friendly Text

The aim is to ensure that written material takes into account the visual stress experienced by some dyslexic people, and to facilitate ease of reading.

Adopting best practice for dyslexic readers has the advantage of making documents easier on the eye for everyone.

Media

- Paper should be thick enough to prevent the other side showing through
- Use matt paper rather than glossy. Avoid digital print processing which tends to leave paper shiny
- Avoid white backgrounds for paper, computer and visual aids. White can appear too dazzling. Use cream or a soft pastel colour. Some dyslexic people will have their own colour preference

Font

- Use a plain, evenly spaced sans serif font such as Arial and *Comic Sans*. Other suggestions include Verdana, Tahoma, Century Gothic, Trebuchet; Helvetica and Sassoon are further options
- Font size should be 12-14 point. Some dyslexic readers may request a larger font
- Avoid light coloured text on a dark background: the reverse is clearer

Headings and Emphasis

- Avoid underlining and *italics*: these tend to make the text appear to run together. Use **bold** instead
- AVOID TEXT IN BLOCK CAPITALS: this is much harder to read
- For Headings, use larger font size in bold, lower case
- Boxes can be used for effective emphasis

Layout

- Text should be left-justified with ragged right edge
- Avoid narrow columns (as used in newspapers)
- Lines should not be too long: 60 to 70 characters
- Avoid cramping material and using long, dense paragraphs: space it out
- Line spacing of 1.5 is preferable
- Avoid starting a sentence at the end of a line
- Use bullet points and numbering rather than continuous prose

Writing Style

- Use short, simple sentences in a direct style
- Give instructions clearly. Avoid long sentences of explanation
- Use active rather than passive voice
- Avoid double negatives
- Be concise

Increasing accessibility

- Flow charts are ideal for explaining procedures
- Pictograms and graphics help to locate information
- Lists of 'do's and 'don't's' are more useful than continuous text to highlight aspects of good practice
- Avoid abbreviations if possible; provide a glossary of abbreviations and jargon
- For long documents include a contents page at the beginning and an index at end

Checking Readability

To set your spell checker to automatically check readability, go to Tools, Options, Spelling, and Grammar, then tick the Readability request.

Word will then show your readability score every time you spellcheck.

- **Flesch Reading Ease score:** Rates text on a 100-point scale; the higher the score, the easier it is to understand the document. For most standard documents, aim for a score of approximately 70 to 80.
- **Flesch-Kincaid Grade Level score:** Rates text on a U.S. grade-school level. For example, a score of 5.0 means that a fifth grader, i.e. a Year 6, average 10 year old, can understand the document. For most standard documents, aim for a score of approximately 5.0, by using short sentences, not by dumbing down vocabulary.

2. Preparing a document for text-reading software

- Be aware that reading a document using a text-reader will take longer than visual reading
- To aid navigation use internal and external hyperlinks. Number menu items
- Avoid text in capital letters in mid-line, as they may be read as single letters
- Include only such signs and symbols as are absolutely necessary, e.g. asterisks or dashes (both short and long), as these will be spoken
- Long dashes should be avoided: use colons to make the voice pause
- Use straight double quotation marks. Avoid single, curly or slanting quotation marks
- Avoid Roman Numerals and No. for number
- Consider whether abbreviations and acronyms need full stops
- Screen readers may have difficulty with tables and may not automatically move on to the next cell without manual use of the Tab key
- Avoid text within images. Listeners cannot hear it. Repeat in the main text
- Use hyphens in compound words to aid text-reading pronunciation
- Chunk phone numbers to avoid being read as millions or hundreds of thousands

Appendix 3: Glossary of Specific Learning Difficulties

Please note that the difficulties associated with Specific Learning Difficulties vary from person to person and range from the mild to the severe, as does the individual's ability to implement coping strategies. Several symptoms are associated with more than one condition.

Attention Deficit (Hyperactivity) Disorder / AD(H)D

AD(H)D has three major aspects:

1. Inattention / distractibility: difficulty focusing on tasks or listening for a sustained period of time and becoming easily distracted by external stimuli or one's own thoughts
2. Impulsivity: a lack of inhibition which could show itself as the need for instant gratification, blurting out inappropriate comments, interrupting excessively or having difficulty awaiting turn, together with erratic and unpredictable behaviour
3. Hyperactivity: shown by restlessness and over-activity, both physical and mental

Common characteristics also include failing to pay attention to detail; poor listening skills; inability to make effective use of feedback; difficulty organising tasks and activities; difficulty getting started on, switching or finishing tasks; lack of forward planning; frequently losing or forgetting things; fidgeting and moving around incessantly; often talking excessively or intruding on others. People with ADHD may be accident and/or addiction prone.

If no hyperactivity is present, the term **Attention Deficit Disorder / ADD** should be used. People with this condition have particular problems remaining focused so may appear 'dreamy', inattentive and frequently be off task.

Asperger Syndrome

Asperger Syndrome is part of the Autistic Spectrum but does not include the learning difficulties associated with Autism.

Characteristics of Asperger Syndrome include inflexibility and over-reliance on routines; great difficulty seeing someone else's point of view; poor social skills; slow processing of information together with a panic reaction when pushed.

People with this condition may have obsessive interests in a limited range of areas and take everything literally. There will generally be a marked difference between high-level intellectual functioning and poor emotional intelligence.

Many people with Asperger Syndrome experience sensory overload; this might affect their sense of touch, smell, vision, hearing and balance / body posture. Sometimes this is accompanied by unusual or inappropriate behaviours.

Some individuals have learned to largely conceal their problems but social interaction always remains challenging and they live with high levels of stress. When coping with questioning they can quickly become overloaded, especially if the question seems to them to be ambiguous (due to their highly literal approach).

Further information in [Appendix 4](#).

Dyscalculia

Dyscalculia comprises an inability to understand simple number concepts and to gain basic number skills. There are likely to be difficulties dealing with numbers at very elementary levels and therefore with learning number facts and procedures, telling the time, understanding prices and dealing with money and financial matters.

Dyscalculia may exist independently as a specific cognitive deficit, or it may co-exist with other Specific Learning Difficulties. Difficulties associated with Dyslexia and Dyspraxia (short term memory, sequential abilities, retrieval of basic facts, language processing, speed of processing and visual spatial ability) commonly affect the acquisition of numeracy skills.

Dyslexia

Dyslexia often manifests itself as a difficulty with reading, writing and spelling. Even where literacy skills have been mastered, problems remain with skimming or scanning over text and retaining what has been read. Spelling is likely to remain erratic.

The core challenge, however is the rapid processing of language-based information and weaknesses in the short-term and working memory. Associated problem areas include organisation, time management, visual perception, sequencing ideas, word retrieval and concentration. By adulthood many dyslexic people have equipped themselves with an array of coping strategies which takes energy and sustained effort. These coping skills break down in situations of stress, highlighting areas of weakness.

Dyslexia is also linked to a range of skills including innovative thinking, entrepreneurship, creativity and high-level visual spatial abilities.

Dyspraxia / Developmental Co-ordination Disorder

People with dyspraxia may appear poorly co-ordinated with poor posture and balance. They can appear anxious, easily distracted and often have difficulty judging how to behave in company. Finding their way to an unfamiliar venue can be challenging. Associated with this condition are innate problems with planning and executing actions, including both language-based and practical tasks

There may also be difficulties in the following areas:

- Speech and language: speech may be unclear, due to poor control of mouth muscles; pace and volume of speech may also be affected
- Communication: problems conveying ideas and misperceptions; awkward handwriting
- Social skills: difficulties include judging socially acceptable behaviour, understanding others' needs, a tendency to take things literally
- Short term memory and sequencing skills: weaknesses in these areas affect organisational ability, decision making, retrieving information 'on the spot'
- Time management: poor understanding of time or the urgency of situations
- Managing change and new routines: people with dyspraxia may lack flexibility

People with Dyspraxia may experience 'sensory 'overload', being unable to screen out background distractions. They can appear brusque or rude, and fail to register body language.

Appendix 4: Asperger Syndrome

Questioning or interviewing someone with Asperger Syndrome can be very problematic due to the nature of the condition.

Key aspects and recommended good practice are highlighted below.

Key Characteristics of Asperger Syndrome

- Living with a continual high level of stress and anxiety, therefore reaching 'overload' very quickly
- Having their own idiosyncratic understanding of the world around them
- Lacking life skills. All social interactions are very challenging
- Being very inflexible in their thinking
- Difficulty with abstract thought, often visual thinkers
- Showing a marked difference between high level intellectual functioning in comparison with emotional and social intelligence
- Lacking insight into their condition
- Lacking awareness of the consequences of their actions
- Living by the rules they have learned so may be unaware that they have transgressed
- Showing limited empathy, even to close family members (do not expect this for victims)
- Poor communication skills, great difficulty answering questions
- Frequently giving a literal response which may appear 'cheeky' or insolent
- If unable to work out an answer to the first question, they become overloaded and stop
- Difficulty sustaining eye contact
- May show strange 'comfort behaviours'
- Inability to cope with unplanned change
- May have acute sensory sensitivity
- Limited grasp of body language, verbal cues, unwritten social rules
- The more intelligent they are, the more aware they will be that they are getting the interaction wrong but have little idea how to remedy the situation
- Usually have a small range of obsessive interests that may (unwittingly) include a criminal element e.g. fascination with UFOs
- Stress reaction when unable to cope may include verbal or physical abuse intended to bring a stop to the situation

The challenge:

How can you extract the necessary information without a prolonged face-to-face Question and Answer session which people with Asperger Syndrome find almost impossible?

"Answering questions is the most stressful thing of all."

Student with Asperger Syndrome.

Recommendations for Good Practice

- People with Asperger Syndrome may need someone to interpret for them, to assist communication. The National Autistic Society trains mentors who could fulfil this role
- Hearings, police interviews and sessions with legal representatives should have input from an Asperger Syndrome specialist.
- Interviews would be much easier to cope with if questions were written and submitted in advance, answers could then be considered and composed in writing.
- People with Asperger Syndrome find open questions hard to manage. Use closed questions or a multiple choice format that requires ticking one of several alternatives
- Avoid the use of metaphor or nuances: people with Asperger Syndrome will take everything literally. Speak simply, taking care that nothing you say is ambiguous
- Allow processing time – at least 5 seconds per exchange
- Additional processing time is needed where there are multiple speakers or questioners because the person with Asperger Syndrome has to 'tune into' the different participants
- People with Asperger Syndrome need 'time out' to recover, at least a quarter of an hour per hour

Assume nothing, start at the most basic level.

There is a better chance of success if people with Asperger Syndrome are given a set of rules which are carefully explained and which they can then follow.

See: **Autism: A Guide for Criminal Justice Professionals** (revised 2011)

National Autistic Society <http://www.autism.org.uk/>

Notes

About the British Dyslexia Association and DANDA

This publication was produced by the British Dyslexia Association in collaboration with DANDA

The BDA is one of the leading authorities on dyslexia and related issues.

Our Vision: a dyslexia-friendly society enabling all dyslexic people to reach their potential.



What the BDA does.

We are a membership organisation that influences the public policy agenda at national and local level. We set the standards expected of individuals and organisations working with people with dyslexia through our Accreditation Board, our Quality Mark and our Training programmes. We support all who need our help through our National Helpline, our national network of Local Associations and support groups.

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DANDA: Run by and for people with Specific Learning Difficulties



DANDA (Developmental Adult Neuro-Diversity Association)
www.danda.org.uk

DANDA is the user-led charity for people with Dyspraxia, Dyslexia, Dyscalculia, Attention Deficit Disorder and related conditions in the UK. We run support groups, produce a newsletter, leaflets and books as well as organising conferences and workshops for people with Neuro-Diversity / Specific Learning Differences and the professionals who support them. The website contains useful resources, including downloadable information sheets.

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"A unique and invaluable Guide for practitioners seeking to achieve fair treatment in the courts for people who have dyslexia and other specific learning difficulties. It closely follows material already made available by the author to Judges through the Judicial Studies Board. The hope is that it will be widely read and often referred to."
District Judge

"I have been most interested to read this guide and think it is laid out in a very accessible format. It is a significant piece of work."
Magistrate

"A useful and insightful guide, essential for any practitioner dealing with clients with specific learning difficulties."
Solicitor

"This is a comprehensive document that provides clear guidance, and would be useful for operational officers including C.I.D., Interview Teams and Custody Officers."
Diversity Advisor - Police Service

"The guide is fantastic. It should be adopted by the Police for training purposes."
Anti-Social Behaviour Officer within a Neighbourhood Policing Department

"This guide provides extremely useful information and suggestions how the identified problems can be relieved."
Probation Officer

"The guide will help both professionals working in the justice system and dyslexia specialists who are often called upon to act as "appropriate adults". The case studies bring it all to life."
Adult Co-ordinator - Dyslexia Action



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