



# “Do we ask often enough?”

The offender experience: the personal view of people on Probation with certain protected characteristics

A review for West Yorkshire Probation Trust

West Yorkshire  
Probation Trust



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**Helen Wollaston**  
**David Odunukwe**  
**May 2012**

# Foreword

Sue Hall, Chief Executive West Yorkshire Probation Trust and Chair of the West Yorkshire Criminal Justice Board.

In 2009 the Diversity Panel of the West Yorkshire Criminal Justice Board produced a report looking at the victim's journey through the criminal justice system with particular attention to diversity issues\*. I was therefore delighted to be able to commission two members of that panel to undertake a similar project exploring the journey for offenders in relation to the service users of the West Yorkshire Probation Trust.

Given national research and priorities highlighting both issues and differential experiences for people with particular protected characteristics it was agreed to focus the project on the actual and possible experience of offenders with hidden disabilities, particularly a learning disability or difficulty, and those for whom English is not a first language.

This report includes a mixture of offender experience and story, learning from research and input from both probation staff and third sector organisations. The result is an interesting and timely narrative which gives us practical and achievable recommendations for the future.

My thanks to both Helen and David and the colleagues and offenders with whom they have collaborated in the course of this project.

\* Victims' Journey Project Report – West Yorkshire Criminal Justice Board - 2010



Sue Hall, Chief Executive

# Executive summary

In November 2011, West Yorkshire Probation Trust commissioned a review of the probation journey as experienced by people with a hidden learning disability or limited English. The aim was to identify barriers within the service and make recommendations to inform equality objectives for 2012 -2013.

David Odunukwe and Helen Wollaston, former members of West Yorkshire Criminal Justice Board's Diversity Panel, conducted the review by means of background research and interviews with staff and service users.

They found a wealth of evidence to indicate that people with learning disability and learning difficulties are over-represented in the criminal justice system, as are members of minority communities, yet Probation does not have a systematic approach to ensure they are provided with an accessible and equitable service.

Taken together, compliance with the Equality Act 2010, a push for a more personalised approach to reducing reoffending based on desistance theory and competition from the independent sector make a compelling case for improving support for people with these protected characteristics.

Barriers facing people with learning disability and learning difficulty include invisibility, stigma, misunderstanding due to communication breakdown, ineffective assessment, difficulty relating to people of the opposite sex and/or working in groups and multiple needs arising from a life time of social exclusion. These barriers are exacerbated by limited one to one time with their Probation Officer and a lack of confidence to ask for a different approach or to make a complaint.

People with limited English face cultural as well as language barriers which are not resolved solely by the use of interpreters. Cultural differences can be a significant factor in how an individual perceives their offence and in how they respond to different activities whilst on probation. Relationships with family members can be relevant to their offence, making a whole family approach more effective than working with the individual in isolation. We found examples of effective support delivered by staff who understood cultural issues because they

came from a similar heritage or worked for a specialist community organisation, but this is not systematically available across the Trust.

The key message from this review is that a rigid, one size fits all approach is failing people with special needs associated with their protected characteristics under the Equality Act. People with learning disabilities and those with limited understanding of English struggle to comply with a rigid system, because they do not understand what is expected of them. A commitment to equality and diversity cannot be met by treating everyone the same.

We make the following nine recommendations, based on evidence from elsewhere as well as from the interviews within West Yorkshire Probation:

1. Avoid labelling people as having a learning disability
2. Support staff to identify communications needs and barriers at initial assessment, which should be formally instituted
3. Provide training to all front line staff
4. Consider a designated champion for each district/activity/hostel who would receive additional training and provide a point of advice for colleagues
5. Review all information to make it accessible
6. Develop peer support/mentoring
7. Use performance management to monitor practice of individual Probation Officers
8. Improve co-ordination with other criminal justice agencies
9. Proactively work with partners in the third sector, NHS and social services

There is a wealth of good practice and useful resources developed elsewhere in the criminal justice system and in the third sector, which could be accessed by West Yorkshire Probation relatively easily to overcome some of the barriers we have identified. We hope this review will prove helpful to the development of a more effective and equitable service.

# Introduction

Following the success of The Victims' Journey report Helen Wollaston and David Odunukwe, former members of West Yorkshire Criminal Justice Board's Diversity Panel were commissioned by Alison Fisher, Diversity Manager for West Yorkshire Probation, to explore the probation experience for clients with certain protected characteristics under the Equality Act.

## Aim

To understand the experience of offenders with learning disabilities and those with limited English, within West Yorkshire Probation Trust, and to make recommendations for improvement.

## Objectives

1. To summarise data about offenders with these characteristics within probation in West Yorkshire
2. To identify good practice in supporting people on probation with learning disability, hidden physical disability and those with limited English
3. To collect feedback from offenders about their experience in terms of access, treatment and effectiveness of the support they receive
4. To identify any elements of the service which create barriers or unintentional discrimination for people with learning disability, hidden physical disability or limited English
5. To recommend improvements to the service which could be incorporated into equality objectives for 2012 - 2013

## Definitions

We have used a broad definition of disability which includes people with learning difficulty and communication difficulties as well as learning disability within the scope of the review. Other studies have found large numbers of people within the criminal justice system with mild to moderate learning disabilities which are undiagnosed, as well as large numbers of people who have communication difficulties or struggle with reading, writing and numeracy because of interrupted schooling. A narrow definition is therefore likely to exclude many people whose condition is not recognised and do not identify themselves as having a learning disability because of stigma associated with the term.

Clients with limited English reflect the migration patterns that pertain in recent years, and include

communities hailing from the South Asian sub-continent, the European accession states, Africa and the Caribbean, and increasingly middle-Eastern states.

## Methodology

We reviewed background research undertaken elsewhere, conducted interviews and focus groups with offenders to hear first-hand about their probation journey; interviewed a range of probation staff, and approached voluntary sector organisations that specialise in supporting people with learning disabilities and that work with probation.

Using the same interview checklist, one consultant concentrated on learning disabilities and the other on people with limited English. We canvassed Probation Officers by e-mail and telephone to facilitate interviews with people in the relevant categories, usually to coincide with a supervision meeting, to minimise disruption to schedules, and allowing the presence of the Probation Officer. Issues to be covered were from the general, including background and initial experience, to more particular views of how programmes were seen to be effective and could be improved, onto suggestions for future provision. The checklist is included as an appendix. All personal quotations were taken with permission.

Responses and time in which to procure them were limited and so the case studies have in turn been few in number, but we offer these as support for the research in the spirit espoused by Maruna and Matravets: "*Deep exploration into the life narrative of a single individual can generate at least as much insight into offending as getting to know a little bit about 200 or 2000 human beings in a large-scale survey*"<sup>1</sup>.

## About the consultants

Helen Wollaston is director of Equal to the Occasion.

David Odunukwe is a community work professional.

## Acknowledgements

We are grateful to everyone who gave up their time to share their probation journey with us, whether from the perspective of an offender or member of staff. Our conclusions and recommendations are drawn from their real life experiences.

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<sup>1</sup> Criminology and the person, Theoretical Criminology, 11(4), p427 - 442. Maruna. S and Matravets, A

# Case for change

A significant proportion of people on probation come within the scope of this review. The Trust collects data on ethnicity, which shows 24.6% of the caseload in 2010 - 2011 were from BME groups<sup>2</sup>. What proportion of these had difficulties understanding English is not identified but staff told us about seeing people from a range of different nationalities, including Eastern Europe. There are likely to be at least 900 and potentially as many as 6,250 people on probation in West Yorkshire at any one time with a learning disability, learning difficulty or other issues with communication which affect their ability to understand and comply with community orders<sup>3</sup>. By comparison, there were 1,162 women, or 9.3% of the total caseload, in 2010 - 2011. Women's needs are addressed through partnership work with women's centres, but there is as yet no special provision for people with learning disability or learning difficulty.

## Legal compliance

Under the Equality Act, the Trust has a legal duty to ensure that people with learning disability and people from minority ethnic backgrounds receive information in a format they can understand.

## National policy drivers

The government accepted a recommendation from the Bradley report that all probation staff should receive learning disability awareness training. National research shows higher levels of re-offending for people with learning disabilities, yet programmes to address offending behaviour are not accessible to people who cannot understand English, have an IQ below 80 or struggle with reading and writing - they are likely to be assigned to unpaid work, resulting in their offending behaviour not being addressed, they are therefore more likely to re-offend.

## Competitive edge

A proven ability to provide effective support to people with learning disability or other

communications difficulties outside of the prison system could give West Yorkshire Probation Trust a competitive advantage over other potential service providers. The Trust could take a lead nationally by demonstrating a commitment to follow best practice.

## Desistance theory

Desistance theory advocates a more personalised approach which should improve the ability of staff to explore a person's individual needs and therefore provide a service which is more appropriate - adapting the system to the person instead of expecting the person to adapt to the system. We were asked to reference this developing approach in conducting our review.

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<sup>2</sup> Diversity report 2010/11, West Yorkshire Probation Trust.

<sup>3</sup> Based on the annual figure of 12,500 people on probation at any one time in West Yorkshire (from 2010/11 annual report), the number of people learning disability or learning difficulty could be between 938 (7.5%) and 6250 (50%). See Appendix for statistics on the prevalence of people with learning disability within the criminal justice system.

# Barriers facing people with learning disability or learning difficulty

## Invisibility

*“Learning disabilities and difficulties are largely ‘hidden disabilities’ with few visual or behavioural clues. Many people with such disabilities try hard to hide their impairments and even if asked directly, especially by people they don’t know or in a stressful environment, may deny that they have learning disabilities or difficulties.”<sup>4</sup>*

The first barrier people face is recognition that they struggle to understand. Even if the Probation Officer realises the person before them does have a problem, there is no facility to record this on the computerised case management system. Many people with a learning disability caught up in the criminal justice system often have had no previous contact with services and therefore do not present with an official diagnosis<sup>5</sup>.

*“If only they’d have recognised it earlier, but they didn’t. Maybe I would have got more support earlier. Some people unfortunately think if you can’t actually see a disability there’s nothing wrong with them.”*

Frustration can lead to anger and disruptive behaviour which gets people into trouble in the first place and results in harsher sentencing. Once his Asperger’s had been diagnosed, Graham received anger management counselling and was put in touch with Keyring, which provides supported accommodation for people with a learning disability. He told me about being restrained face down by security guards and held overnight in police custody, facing an assault charge, after an altercation with a receptionist who swore at him. He was only released after intervention by a Keyring volunteer.

## Stigma

Graham explained that the problem is compounded because people with a learning disability hide their problems from authority, due to stigma and fear of being picked on, especially in prison.

*“A lot of people will say no, I am OK, in the initial meeting. It is called ‘cloaking.’”*

People who have had problems at school are nervous of a classroom setting, so unlikely to say

they want help with learning. An offender in Keighley talked about reluctance to put her name down for literacy classes, having been given a hard time in the past for attempting to better herself:

*“If you have tried and someone’s put a downer on it, you are not going to try again.”*

## Communication

We were told that there is an assumption within probation that everyone can read, understand English and tell the time and that staff do not routinely check that this is the case.

*“People with learning disability don’t like to say that they haven’t understood and professionals often don’t ask, so there is a communication breakdown”<sup>6</sup>*

When Leeds based organisation CHANGE worked with Kirklees Youth Offending team, young people with learning disabilities said they wanted accessible information about the probation journey – what is a Probation Officer? what is a supervision order? etc. This was echoed by offenders in West Yorkshire during the course of our review. The service user representative from the Together Women Project in Bradford described the induction pack as too large, people didn’t understand all the words and jargon like MAPPA or even the term offender, which one woman associated with being a drug user.

Other research has found that that people ignore communications which they do not understand: *“I didn’t understand it so I just tore it up and threw it in the bin.”<sup>7</sup>*

A woman with dyslexia told us that she asks someone else to read letters she receives from probation – though she is not happy about doing this because it means that person knows her business. An offender user in Keighley said people may go for six months not really understanding what they are meant to be doing, because they do not have enough confidence to ask questions. Graham was given bail conditions “9 while 9”, which he thought meant he could not go out from 9am to 9pm, rather than after 9pm, so he remained inside his flat all day. Darren didn’t understand what his charge of “aiding and abetting” meant and didn’t realise the importance of

<sup>4</sup> No one knows, Prison Reform Trust, 2008

<sup>5</sup> Dr Colin Dale, [www.ldoffenders.co.uk](http://www.ldoffenders.co.uk)

<sup>6</sup> Philipa Bragman, CHANGE

<sup>7</sup> Offender from HMP Everthorpe, quoted in *Getting a Blue life - personalisation and the Criminal Justice System*, Yorkshire and Humber Improvement Partnership, May 2009

attending weekly appointments. *“The probation service didn’t exactly tell us or explain properly I needed to come in once a week. I did forget the first week because I didn’t know what probation was.”*

Raising Your Game told us about a young man who was in breach because he didn’t understand what a curfew was, once it was explained to him, he complied with his order. Bradford Youth Offending Team carried out research in which a group of young people were asked to discuss 37 words they were likely to hear in court. The results showed poor recognition and explanation of commonly used words like ‘offence’, ‘comply’, ‘breach’, ‘conviction’, ‘alleged’ and ‘magistrate’, and all of the young people indicated that they struggled to understand language in court.<sup>8</sup>

To understand Probation’s education and treatment programmes requires GCSE level English A-C. However around one third of offenders have speaking and listening skills below level 1 (equivalent to age eleven) of the National Framework and are unable to access programmes designed to address offending behaviour.<sup>9</sup>

Nacro found that staff in Youth Offending Teams were likely to misinterpret speech, language or communication difficulties as lack of co-operation, which may also be the case within adult provision because staff are not trained to spot the signs. There is no systematic assessment of communication needs and no right to specialist provision. Inevitably, this means that many people subject to community orders are left to do the best they can to comply with a system they struggle to understand.

### **Assessment process**

Service users were negative about tick box assessment forms. One person said he just ticked no to everything on the checklist asking about problems with substance abuse, reading and writing or anger management because he didn’t really understand what the form was about and felt under pressure. Someone else said you shouldn’t just be handed a form. She had to ask her probation officer to read out the questions, but found it embarrassing to admit to needing help. *“It doesn’t feel nice to have to say you can’t read”.*

This is consistent with findings from a West Yorkshire Police pilot assessment of people held in police custody in Kirklees for two months of 2011, using a nationally recognised screening tool called LDSQ (Learning Disability Screening Questionnaire). None of the people identified using the LDSQ tool had been identified as having a learning disability previously and none were identified by the existing police screening methods at booking-in. Of the 23 people who were unable to write (three were also unable to read) only eight, or just over a third, had admitted this at the booking in stage.

### **Gender issues**

One of the men with learning disability interviewed told us he found it difficult talking to women, especially about personal matters. Men with a learning disability may respond better to a male member of staff rather than a female. Although women have the option of attending female-only provision, men are not given the choice of a male Probation Officer.

### **Difficulty working in groups**

Aside from any communication and comprehension barriers, some people with learning disability may have problems in large groups. Raising your Game told us about a young man with learning disability who was put in a group with 15 others for Community Payback. He didn’t go back the next day because he was frightened by being in a group.

### **Multiple needs**

Clients with learning disabilities often present with multiple health problems, sometimes with complications of substance abuse<sup>10</sup>. The dichotomy posed by dual diagnosis clients who need attention that can be provided by two specialist teams, with different funding streams and priorities, exposes how delicate multiple levels of deprivation can be to institutional support. Many offenders fall into these categories naturally but are then regarded as exotic, with ineffectual screening rendering their cases simplistically.

### **Relationship with Probation Officer**

*“How someone talks to you makes a big difference”.*

<sup>8</sup> Speech, language and communication difficulties, Nacro, 2011

<sup>9</sup> Davis, Lewis, Byatt, Purvis and Cole, 2004, quoted in *Locked up and locked out*, briefing by Royal Society of Speech and Language Therapists

<sup>10</sup> Dr Colin Dale, [www.lidoffenders.co.uk](http://www.lidoffenders.co.uk)



High caseloads limit the time spent with individuals, which makes it harder to build up trust, get to know their history and personal circumstances, or explore referrals to other agencies. Staff may be aware that the person has problems, but don't know what to do about it because they lack knowledge, confidence or time to take on the multiple issues involved. Feedback from people using the service was they wanted more one to one time with their Probation Officer, to build up trust and find the confidence to share personal information.

*“They look you more in the eye if they are not writing things down. Makes you feel they are interested in what I've got to say.”<sup>11</sup>*

### **Consequences of breaching an order**

Offenders feel powerless to challenge the conditions of their order. Women from the Together Women Project group talked about not turning up for appointments because they did not get on with their Probation Officer, but had not felt able to complain:

*“You have to be careful. The Probation Officer could send you to prison or whatever. If you report them they are going to get back on you, aren't they? The probation Officer has the power.”<sup>12</sup>*

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<sup>11</sup> Female offender, Keighley

<sup>12</sup> Offender, Together Women Project

# Offenders with limited English

We found evidence of communication and cultural barriers facing people with limited English. Letters, leaflets and newsletters produced by the Trust are not available in translation, due to budget constraints. The new Action for Change group may not be accessible to people with limited English because it is delivered in a group setting. A Czech woman told us she could understand English but found group discussion hard to follow. She didn't participate in the focus group discussion until questions were addressed to her directly. Afterwards, a member of staff described her as lazy.

## **Use of interpreters**

A member of staff from the Together Women Project described the use of interpreters as clumsy, particularly when interpreters are not from the local area so do not know the community. Support workers from voluntary sector agencies may be able to give a more appropriate service, for example the Czech woman mentioned above gets her mother's support worker from Horton Housing Association to translate letters into Czech for her.

Interviews held with individual foreign nationals needed full translation, and some partial facilitation, which was provided by the Probation Officer and/or the community supervisor. The interviews requiring full translation quickly exposed the main barrier as language-based. Once surmounted this led on to unpicking cultural differences allowing the offender to more fully understand why their conduct had been deemed offensive, even illegal. This appreciation then also spread to the offender's family over the sentencing period, a declared advantage of the supervision programme.

## **Community organisations as intermediary**

One person we interviewed had recently started a 12 month Community Order with 180 hours of unpaid work for a domestic violence offence and was receiving intensive support from a community-based agency contracted to work with Probation. The agency worker had established close working relations with the Probation team, was a member of the local community, and was holding a full caseload of predominantly Asian

clients. This case illustrates a combination of favourable factors, prompting questions about what happens in cases where there is no specialist intervention, which is presumably the norm. The offender had accepted responsibility for the offence, and so received a supervision order, otherwise it was deemed likely he would have been assigned to unpaid work, as there had been no initial supervision at court. He was fearful of prison, partially on cultural grounds relating to stigma, as he had been a heavy alcohol drinker, and so felt the sentence fair, especially as the support provided by the agency worker included counselling time spent with the family, and his wife in particular at times to suit – the relationship could be saved. Insight was gained on several western perspectives, specifically domestic violence, gender relations, social consequence, effects on mental health; and the involvement of the community-based worker enabled this to be learnt by reference to Islamic mores. Referrals from other members of the community have followed.

This practice raises a number of questions: if the community agency handled most or all of the BME offenders, how would the wider Probation team learn about different cultures? Would it lead to de-skilling of white Probation staff? Can community agencies provide the same level of support as fully trained Probation Officers or do staff rely too much on these contracted agencies? If there was no community agency involved how much attention would be paid to the needs of offenders from different cultures? Is this special treatment the response to a need for Probation to have a place in the community? What happens to people if the team does not have a member of staff with the appropriate cultural or ethnic match? How does Probation deal with the reluctance of some Asian male offenders to deal with female Probation Officers?

## **Working with the whole family**

Like people with learning disability, foreign nationals often have multiple needs, along with the additional challenge of language and trans-cultural understanding of the UK system. Another person interviewed had a moderate understanding of English, having lived in the UK for 20 years. He

was a day out of prison, on licence with a tag for the next eight months. In this case there was much less agreement from the person that his sentence was fair; however he did express hope that support from Probation would help with his rehabilitation, and training for employment and education skills were part of his supervision programme. The stigma of not being free to take work in his former trades of catering and driving severely impacted on his self esteem and reduced his economic worth, as he had a family and mortgage to support. Culturally-sensitive provision managed by Probation – his supervision was to be transferred from Probation to a community-based agency was felt to be crucial in sustaining engagement with a person who was disaffected on several levels. The Probation Officer involved was also Asian but from a different geographic area, and recognised the value of close family liaison in this case.


#### **Cultural understanding**

The quality of the responses from Probation in both these cases highlights how cultural understanding breaks through the language barrier as the supervisor doubles up on interpreting duties, which seamlessly facilitates compliance. In parts of the country with relatively high BME populations, such as West Yorkshire, a strong case can be made for community-based agencies being contracted to support interventions by Probation in reducing reoffending rates. It is clearly very effective in bridging what is effectively a chasm of understanding between service and client.

#### **Personalised approach**

Is this really such a chasm? Individual support that extends beyond the office, includes the support mechanism of the family, and treats the offender as a human being – part of the larger society which needs him or her to play their part, is what Probation sets out to achieve. This aspiration contrasts strongly with “labelling certain

individuals as ‘risky’...also arguably individualises the problem of crime, redirecting attention away from structural inequality and societal conditions.”<sup>13</sup> Other researchers echo the value of a personalised approach:



*“Respondents expected to be treated fairly, as individuals... by staff who listened to them and respected their views. Policies and practice need to be informed by awareness of diversity, but not based on untested assumptions about what diversity implies.”<sup>14</sup>*

<sup>13</sup> Understanding Criminal Careers, Soothill. K, Fitzpatrick. C & Francis. B, Wilan Publishing, Cullompton, 2009.

<sup>14</sup> Black and Asian offenders on probation, Calverley. A, Cole. B, Kaur. G, Lewis. S, Raynor. P, Sadeghi. S, Smith. D, Vanstone. M, & Ali. W, Home Office Research, London, 2004.

# Conclusions

We found individual examples of staff going out of their way to support people, often because they had a personal interest in learning disability, can speak another language, are from a similar cultural background to the person concerned, but it is a matter of luck whether someone happens to be assigned to a member of staff who is prepared or able to give them the support they need.

People from a different ethnic background to their Probation Officer may receive little or no acknowledgement of the barriers posed by a lack of cultural affinity, and those with limited English, learning difficulty or learning disability are at risk of not understanding important aspects of their supervision programmes. We have found throughout this short review that assessment procedures need to be strengthened to provide fuller data collection of protected characteristics, in order to assemble a coordinated response to offenders' needs.

Whilst we acknowledge the intention to address this, propelled partly by recent understanding of desistance theory, – e.g the upcoming learning disability strategy and policy paper - the need to adapt group activities so that they can be accessed by people with particular communication needs is still outstanding. We found evidence that many people have limited understanding of the requirements of their Community Order, which has “implications for rehabilitative work in terms of both completion of programmes and wider ranging employability and social integration issues.”<sup>15</sup>

It is anticipated that the new approach to assessment (Post Sentence Assessment) with its greater emphasis on individual needs will address these issues and we look forward to reviewing progress in due course, along with the effectiveness of the new interpreting service. Increased training of staff, including managers, on issues of diversity, utilising the expertise available in the large pool of third sector organisations, would seem to offer a positive way to make progress and further increase the effectiveness of Probation's work with its wide range of offenders, whilst promoting a social enterprise model for agency engagement.

The obligation of the Probation service to give

'due regard' to the needs of all communities of interest under the Equality Act, 2010, particularly those with protected characteristics is still work in progress. We are pleased to note progress is in train, with a commitment to move away from a one-size-fits-all approach.

The Probation journey is structured according to formal, rigid requirements of orders. Individuals who fail to meet these requirements are deemed to be in breach, sent back to court and may end up with a custodial sentence. People with learning disabilities and those with limited understanding of English struggle to comply with a rigid system, particularly if they do not understand what is expected of them.

A commitment to equality and diversity cannot be met by treating everyone the same, because the system fails to recognise or address individual needs which put people with protected characteristics such as learning disability or ethnicity at a disadvantage.

***“Change actually belongs to ex-offenders and reintegration is about communities; we need to place them at the centre and not the professionals.”<sup>16</sup>***

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<sup>15</sup> ESOL Pathfinder Report, National Probation Service (W. Yorks.), Briggs. S, Gray. B, & Turner. R, 2004.

<sup>16</sup> Supporting Desistance: New Directions in Offender Supervision?, Glasgow, Powerpoint presentation, McNeill. F, 2010.

# Recommendations

## **1. Avoid labelling people as having a learning disability**

People may not know or be willing to admit that they have a learning disability because of stigma associated with the term or simply because it has never been diagnosed. They may talk about not being good at reading or writing, or having dropped out of school, which in some cases may be associated with learning difficulty or learning disability.

## **2. Support staff to identify communications needs at initial assessment**

Until this is done systematically, the Trust cannot be confident of providing an appropriate service and will be unable to monitor outcomes for people with special needs. Unfortunately, we understand that the LDSQ tool which was piloted in Wakefield is unlikely to be rolled out across the Trust because the cost is seen as prohibitive. As a minimum, a checklist should be introduced which staff can use to assess communication needs. A flag should be introduced on the IT system to identify someone with special needs, ideally with space to record details of how these needs could be met. A similar recommendation has been made in reports about assessment by the police, courts and prison service.

## **3. Provide training to all front line staff**

Training should be practical, aimed at building staff confidence in using the assessment checklist and communicating effectively with people who have learning disability or learning difficulty, rather than being based on a medical model. The involvement of people with learning disability as trainers, as delivered within the prison service, is an effective way to build understanding and awareness. Examples of organisations offering such training are given in the good practice appendix.

## **4. Consider designated champion for each district/activity/hostel who would receive additional training and provide a point of advice for colleagues**

A champion in each part of the service would help to spread good practice and develop a more systematic approach to meeting the needs of people with protected characteristics. The Equality and Diversity strategy group might provide support and co-ordination.

## **5. Accessible information**

Test easy-read materials with service users before rolling it out, to make sure the meaning is understood, or adapt literature produced by other agencies which has already been tested. Review all paperwork to make sure it is as short and clear as possible, with all technical terms and jargon explained in plain English, as this will help everyone. Consider alternatives to the written word, such as pictures or downloadable video recordings, some examples of which are listed as an appendix. A “quick win” suggested by offenders is to use the digital clock rather than analogue when giving appointment times, because it is more easily understood.

## **6. Develop peer support/mentoring**

With appropriate support and supervision, people who have been through probation themselves could provide valuable support to help others through the system, relieving pressure on probation staff and increasing compliance rates. Third sector partners may provide training and support for peer mentors.

## **7. Performance management**

Managers should monitor rates of breach within the caseload of individual staff members and investigate reasons for anyone with higher than average figures. Periodic audits of breach cases across the Trust would identify whether people with protected characteristics were over-represented.

## **8. Improve co-ordination with other criminal justice agencies**

Many of the barriers people experience within Probation apply to their experience of the Police, courts and prison system. Improved communication could help to identify and co-ordinate support for people in these two categories, eg: a Probation Officer could flag up possible communications difficulty in the Pre Sentence Report.

## **9. Proactively work with partners in third sector, NHS and social services**

We made contact with a range of local organisations who are keen to work in partnership with Probation. A more proactive approach to partnership working would enable Probation staff to signpost people to appropriate support and provide a more joined up response to meeting their needs. Examples are given in the good practice appendix.

# Appendices

## Appendix 1: Interviewees

### Service user groups

- Keighley Service User Group, January 2012
- Together Women Project service user group, 26 January 2012, Bradford
- Darren and Graham, Keyring Doncaster. Both are members of Working for Justice focus group of people with learning disabilities with experience of the criminal justice system

### Probation staff

- David Haddrick, Offender Services Development Manager, Head Office
- Nicola Sumner, Offender Management Unit, Dewsbury
- Ruth Stockdale, PR & Communications Unit, Head Office
- Kim Day, Case Administrator, Team LDP & Positive Futures LPF
- Rochelle Gold, Research Manager
- Afzal Khan, Offender Manager, Halifax

### Third sector staff

- Helen Cole, Raising Your Game Co-ordinator, Leeds
- Philipa Bragman, Director, CHANGE
- Neisha Betts, Keyring
- Jenny Talbot, Prison Reform Trust
- Qumar Zaman, Himmat, Halifax

## Appendix 2: Interview checklist used in this review

**Background details about the person:** age, gender, ethnicity, faith, disability, locality, length of time on probation, activities involved in

**General comments:** How would they describe their experience of being on probation? Probe to get at reasons behind the comments

**Access to activities:** How they get onto the group, what say did they have in it, were they aware of any other options? How easy was it to find out what was available? What do they see as the purpose of the activity they are on? What do they expect to get out of it?

**Treatment:** Describe what the programme/activity is like. How do staff treat you? What kind of things do they talk to you about/ask you about? What do you find helpful/not helpful? Do you meet other people on probation and if so, how do they treat you? Do you/would you find it helpful to talk to other people on probation? Does anyone else support you (friends/family/other organisations?)

**Thoughts about the future:** What would you like to happen at the end of your time with probation? What do you expect will actually happen? What reasons can they give for any differences between hopes and expectations.

**Suggestions:** Any ideas about how they could make the service better for you? If you could change one thing about Probation, what would it be?

## Appendix 3: Prevalence of learning disability within the criminal justice system

A pilot screening of 200 offenders in Wakefield over six months found 7.5% of offenders had probable learning disability.

The Prison Reform Trust estimates that 20–30% of offenders have learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system.<sup>17</sup>

A survey by the National Association of Probation Officers in 2009 reported 30-50% of probation caseload having a learning disability or communications difficulties.

NACRO reports that a quarter of people in the youth justice system were assessed as having special needs, with 60% having a statement of educational need. Many of these young people will find their way into the adult probation service.

In 2004, the Office of the Deputy Prime Minister reported that of offenders assessed in the community, 64% were found to be at or below Level 1 in terms of literacy and numeracy. Half of all those in custody were at or below Level 1 in reading, two thirds in numeracy and four fifths in writing.

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<sup>17</sup> Bromley Briefings Prison Factfile, Prison Reform Trust, June 2011

## Appendix 4: Examples of good practice

### West Yorkshire Probation Trust

- Shorter induction pack developed with feedback from Service User Board.
- Personalised letters: pilot described by one of the service-user reps: a Probation Officer sent a personal letter to all ten people who missed an appointment during one month. All 10 responded and are back on track. This was felt to be more constructive than sending a standard warning letter about breach.
- Adapted programmes: a Probation Officer in Kirklees has adapted the Hate Crime module for use on a one to one basis with someone who has learning disability, over a longer time period.
- Positive communications pilot in Leeds: during February and March 2012, Speech and Language therapy students from Leeds Metropolitan University spent a day a week with probation staff in Leeds to assist in identifying and supporting service users with speech, language and other communication needs. The pilot reviewed Thinking Skills and CALM group material, appointment letters and assessment questionnaires. A report of the pilot will be published on 8 May 2012. Contact Kim Day, HMP Leeds.

### Examples from partner organisations

- Raising Your Game is a Mencap project for young people aged between 14 and 25, with a learning disability or communication difficulty, who have been in trouble with the police or are at risk of getting into trouble. It is funded by the Big Lottery for five years to 2014 and led by Mencap in partnership with I CAN and Nacro. The project has developed a structured programme for young people with a learning disability or learning difficulty, aged 14 – 25 years, called My Life. Helen Cole will deliver the programme at Probation premises in Leeds if a group of five people under 25 can be identified, who have a learning difficulty, learning disability or other problems with communication. The project is funded until November 2014. See contact details below.
- Leeds Youth Offending Team employs a therapist providing support to young people subject to intensive supervision and surveillance

programmes. The therapist's role is to identify any speech, language and communication difficulties amongst the young people, plan and co-ordinate appropriate interventions, support staff to become more aware and confident in dealing with affected young people and to evaluate any changes in their language and communication skills following the intervention. The evaluation found that, following a speech and language intervention, 75% of those completing the programme had made a significant improvement in every communication area targeted and 88% had made significant progress in their ability to understand sentence formulation and in word association tasks.<sup>18</sup> Juliet Gregory is the senior Speech and Language Therapist in Leeds YOT and may be a useful contact [juliette.gregory@nhs.net](mailto:juliette.gregory@nhs.net)

- Bradford Youth Offending Team has produced easy read guides for young people, including a 2 page information sheet about breach. See [www.yotsupport.co.uk/easy\\_read.htm](http://www.yotsupport.co.uk/easy_read.htm)
- Kent Probation Trust delivers an adapted version of the Sex Offender Treatment programme for people with learning disability. Contact Tania Tancred, Senior Forensic Psychologist [Tania.Tancred@kent.probation.gsi.gov.uk](mailto:Tania.Tancred@kent.probation.gsi.gov.uk).

### Training

- Mencap one hour learning disability awareness training – including practical information on how to communicate with someone who has a learning disability. Talk about Talk - two hour interactive training with young people who have learning disabilities. Three hour session combining both modules could be delivered free of charge at Head Office, provided a group of 20 staff could be identified. Contact Helen Cole, Raising your Game co-ordinator, Leeds. Telephone: 07771522154 Email: [helen.cole@mencap.org.uk](mailto:helen.cole@mencap.org.uk); <http://raisingyourgame.mencap.org.uk/>
- The Box: e-learning tool and free face-to-face training for staff working with people known to the criminal justice system, to develop understanding of speech, language and communication disabilities. Royal College of Speech and Language Therapists. [www.rcslt.org/thebox/open](http://www.rcslt.org/thebox/open)
- The Department of Health, KeyRing and The

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<sup>18</sup> NACRO

Skillnet Group worked together to produce a suite of Criminal Justice Learning Disability Awareness Training materials. They also trained 600+ staff working in prisons (various roles) on LD awareness. David Haddrick has a copy of the training DVD, further copies available from [Neisha.Betts@KeyRing.org](mailto:Neisha.Betts@KeyRing.org)

- Dark Horse theatre company, based in Huddersfield, uses actors with learning disability to provide specialist communications training for South Yorkshire Police. Although this training is designed around vulnerable witnesses, it could be adapted for work with offenders. Focusing on Down's Syndrome, the course is described as an experiential training process covering what works and what doesn't, a practical insight that they can't get anywhere else in how to communicate effectively. Contact Lynda Hornsby, Business Director, 01484 484441  
[www.darkhorsetheatre.co.uk](http://www.darkhorsetheatre.co.uk)

#### Easy read resources

- Keyring can supply 550 free images for Criminal Justice Staff and have developed a series of national easy read publications:
  - Police – 'Notice of Rights and Entitlements' (in use)
  - Probation – 'Licence Conditions' (in use)
  - Prisons – 'Making a Complaint' (to be launched in 2012)
  - Courts – 'Paying a Court Fine' (still awaiting approval)
- CHANGE has a team of people with learning disabilities who are trained trainers, to teach people how to use words and pictures to communicate with people with learning disability. They have worked with Probation, Courts, Police and Youth Offending Teams. Department of Health funded them for a national project involving workshops with people who have been through the criminal justice system, to create images and templates which can be used to explain procedures in a way which people with learning disability will understand.  
[www.changepeople.co.uk/pictureBank.php?id=2554](http://www.changepeople.co.uk/pictureBank.php?id=2554) and a free guide to producing Easy Read documents. [www.changepeople.co.uk/freebies-download.php?id=10](http://www.changepeople.co.uk/freebies-download.php?id=10)
- Some people with a learning disability find photos easier to recognise than line drawing pictures. A bank of photos for use in easy read documents can be found at [www.photosymbols.com](http://www.photosymbols.com). This resource was recommended by learning disability specialists at South West Yorkshire Partnership NHS Foundation Trust.
- Staying Positive: The Criminal Justice System and Learning Disabilities - Easy Read Information for people with Learning Disabilities and Learning Difficulties, 2011.  
[www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_124747](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_124747)

#### Checklist for communicating with people with learning disability, learning difficulty, limited English or other communication problems<sup>19</sup>

- Give the person extra time to listen to and understand what is being said
- Ask what would help them to understand
- Emphasise specific words that they should focus on
- Ensure that the person gives their own explanation of what has been said to verify whether they fully understand what is expected from them
- Remind them about any future appointments.
- Flag anything the person has said which you do not understand.
- Provide the person with a brief summary before giving a more detailed explanation
- Provide them with a wide variety of activities to encourage their engagement
- Give positive encouragement and feedback
- Simplify written materials using clear writing and understandable terminology
- Speak at a slower speed
- Use short sentences with appropriate pauses to allow them to process new information.
- Use uncomplicated language that the person is familiar with.
- Use visual tools to encourage their understanding

<sup>19</sup> Adapted from Communications Trust, quoted by Nacro in Speech, Language and Communications Difficulties



## Appendix 5: References

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Positive Practice, Positive Outcomes: A handbook for professionals in the criminal justice system working with offenders with a learning disability. (2011)  
[www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_124743](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_124743)

Sentence Trouble, is a free guide for individuals working in YOTs, secure children's homes, secure training centres and young offender institutions, produced by the Communications Trust with the Youth Justice Board. [www.sentencetrouble.info](http://www.sentencetrouble.info).

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Understanding Criminal Careers, Soothill. K, Fitzpatrick. C & Francis. B, Wilan Publishing, Cullompton, 2009.

UK Forensic and Criminal Justice System and Learning Disability network. [www.jan-net.co.uk](http://www.jan-net.co.uk)

## Appendix 6: West Yorkshire Probation Equality Objectives 2012-13

1. 120 people to attend mandatory Equality and Diversity training in 2012 -2013.
2. All specialist diversity training attendance to be audited by diversity demographics to ensure awareness of issues relating to specific protected characteristics is being appropriately accessed by all staff.
3. Develop and implement an action plan in relation to feedback from the Investors in Diversity application.
4. To devise a positive action strategy to address current and predicted future issues in under-representation of BAME staff at Band 5 and above.
5. To reduce missing data in relation to disability and

sexual orientation in staffing information by a further 20% in 2012-2013.

6. Develop and implement a vision and strategy for improving identification and support for service users with a learning disability, learning difficulty or communication difficulties, given the disproportionate numbers of people in the criminal justice system who fall into this category. This will include a training plan for staff to receive training in learning disability awareness as outlined in the government response to the Bradley Report.
7. When recruiting volunteers in 2012 – 2013, successfully implement the commitment to reflect the priority groups established in the volunteer policy (male volunteers, minority ethnic volunteers and young adult volunteers). Also consider the role of peer mentors and/or volunteers in work with service users who have limited English.
8. Develop and implement a vision and strategy for improving provision for Black, Asian and minority ethnic service users in the long term given the increasing BAME population within the West Yorkshire area. Specifically include foreign national service users who have limited use of English.
9. Strengthen partnerships with organisations (particularly third sector organisations) in order to support service users from groups covered by the Equality Act 2010.



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