

Supporting Offenders *with* Learning Disabilities *in* Scotland

Feedback from Professionals: **2012**

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Introduction

This report collates information given by 25 professionals who have a lead role in planning or delivering support for people with learning disabilities who have offending backgrounds, particularly those that have served prison terms. Most respondents are engaged with supporting people who have served short-term sentences and repeat offenders.

Information was gathered by questionnaire at an event held in Glasgow on 5 September 2012. The aims of the event were to:

- Provide a networking opportunity for professionals who work in this field.
- Identify key challenges and opportunities in this field and produce a report for circulation to delegates and the Scottish Government and a response to 'The Same as You?' consultation.
- Establish interest in developing a forum for people involved in supporting offenders with learning disabilities. If so, what would this seek to achieve and how would it operate?

Most of those attending represented the voluntary / third sector (15 delegates). Other delegates were from local authorities (5 delegates), Health boards (2 delegates) Police (1 delegate), Scottish Government (1 delegate) and Procurator Fiscal (1 delegate). All those attending had significant experience in this area of work.

This report aims to give a broad overview of their thoughts concerning the opportunities and challenges they face in effectively supporting offenders with learning disabilities. It also

establishes their interest in working more collaboratively to improve outcomes in this sector.

The information in this report provides only an outline of the challenges and opportunities faced by providers. More work is required to explore issues in detail and define and agree solutions.

The event was initiated and supported by NHS Scotland, Cornerstone and Turning Point Scotland. It was facilitated and this report produced by ARC Scotland.

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Background

Learning Disabled Offenders in Scottish Prisons

'The Same as You?' (2001) Recommendation 28 states:

"The Scottish Executive should commission research into the number of people with learning disabilities in prison or in secure accommodation and the arrangements for assessing them and providing them with care."

Despite this, it remains difficult to get accurate numbers of the people with learning disabilities that are in Scottish prisons. The Prison Reform Trust (2012) estimates that at least 7% of all UK prisoners have an IQ of less than 70 and 25% have an IQ of less than 80. Once in Prison, there is no routine procedure for identifying prisoners with learning disabilities or difficulties. Conservative estimates are that there are approximately 1,000 prisoners in Scottish prisons that have a learning disability or borderline learning disability.

There are 14 trained learning-disabled nurses working in Scottish prisons, however none of these are employed as a learning disability nurse. 3 of the 17 Scottish prisons have a learning disability service and a further 6 are in the process of initiating one.

Prisoners with a learning disability are more likely than mainstream prisoners to be subject to control and restraint procedures, to be bullied and to be placed in a segregation unit.

In 2010 a learning disabled prisoner successfully sued the English prison service after he proved that they had not provided appropriate courses to address his offending behaviour. A number of Scottish prisoners are considering similar action.

Anecdotal evidence suggests that the number of people with learning disabilities held in Scottish prisons is increasing. It seems likely that an unintended outcome of 'The Same as You?' and associated reduction in institutionalised care settings is that more people with a learning disability are going to prison.

Once discharged, the inconsistency of support and resources available for through care can lead to people being unsupported leading to increased risk of re-offending. This report is primarily concerned with challenges associated with supporting individuals once discharged.

Summary of findings

"Any developments would be good so that this area of work is understood better, supported more appropriately and the outcomes are more effective for the individuals involved."

Delegate comment

All delegates were given a feedback form to complete during the network event and their responses have therefore been informed by the group discussions held during the day. The information below has been collated entirely from delegate responses.

Four themes emerged in response to the first question *"What are the biggest challenges you face in effectively supporting offenders with learning disabilities?"* In order of importance these were:

1. Poor inter-agency working, protocols and information sharing.
2. Lack of availability of suitable services.
3. Lack of awareness at a national and local level.
4. Inconsistencies with diagnosis and eligibility for services.

Challenges with inter-agency working were further highlighted when delegates were asked *"How effective do you think organisations are at working together to support offenders with learning disabilities?"* Of the 19 responses we received, only 2 delegates indicated that we are any more than moderately successful at this (see graph 1).

One particular area for improvement in inter-agency working was identified between Police and COPFS (Crown Office and Procurator Fiscal Service). There is currently no protocol whereby police reports to COPFS provide information if an accused has a learning disability. In contrast, the 'Autism Alert Card' was given as an example of successful inter-agency working.

There were differing opinions concerning whether it would be helpful for more people who have a learning disability to be diagnosed. Some delegates favoured screening approaches such as 'HASI' (Hays Ability Screening Index) to increase the number of people who are diagnosed, whereas others felt this led to unnecessary labelling and greater exclusion of people who are in need but remain undiagnosed.

When asked *"In general, how effectively supported are offenders with learning disabilities in Scotland?"* only 1 delegate indicated that they were any more than moderately well supported (see graph 2).

Many delegates indicated the need for immediate action to ensure that those people with learning disabilities that are currently in prison are identified and have access to suitable support while in custody and upon release.

Responses to the question *"How do you think support could be improved?"* gave responses with themes consistent with answers given to Q1. Many delegates mentioned the increased application of person centred approaches as a solution to improve support.

Summary of findings *continued...*

In order of importance, opportunities were identified as:

1. Improved inter-agency working / information sharing.
2. Increased application of person-centred planning and approaches.
3. Improved diagnosis and referral procedures.
4. Increased ability for practitioners to work collectively to influence Government and local strategies.

All of these suggestions require further work to develop into a coherent strategy for the new forum.

Delegates overwhelmingly felt that there was a need to develop a forum for practitioners in this sector (see graph 3). The outcomes it should seek to achieve should be (in order of importance):

1. Improved early intervention to prevent offending behaviour.
2. Improved support and life chances for ex offenders.
3. Better equality in criminal justice processes for offenders.
4. Reduced rates of re-offending.

When asked “*What should the forum do to achieve this?*” responses fell into the following themes:

- Influence change
- Provide information, training and networking opportunities
- Map provision and identify gaps

It is significant that the most important activity for the forum identified by delegates was to ‘influence change’. Again, more discussion is required to identify what change is required and by whom, although many delegates felt that this forum should engage with representatives from the Scottish Government to help achieve this.

Most delegates also felt that the forum should facilitate information sharing (including on-line), networking and training events in order to share knowledge.

There was also a desire to map current service provision across Scotland with a view to identifying gaps in provision and identify good practice examples. This work could help the development of proposals to improve quality and consistency of service provision.

Finally, some delegates thought that it was important that offenders themselves were involved in the work of the forum.

Next Steps

Partners who organised the event on 5 September (Turning Point Scotland, NHS Scotland, Cornerstone and ARC Scotland) aim to organise a follow-up event to be held early 2013.

As previously stated, we are aware that the information gathered for use in this report provides only an outline of the challenges and opportunities faced by providers in this sector. More work is required to explore issues in detail and define and agree solutions that will help form the strategy for the new forum. Work on this will begin at the next meeting.

A response to 'The Same as You?' consultation, focused on offenders with learning disabilities, was submitted to the Scottish Government by ARC Scotland using the information contained in this report.

Partners have made contact with the Scottish Government Rehabilitation and Reintegration Unit and Adult Care and Support and with the NHS Scotland Forensic Network to discuss collaborative approaches.

An email database containing 47 contacts has been established of those who attended, or wished to attend the event. All will be copied into future plans and have an opportunity to contribute.

Please contact James Fletcher at ARC Scotland if you would like to be added to this.

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The future of the network will be entirely dependant on individuals and organisations wishing to continue to engage with and contribute to it. If sufficient interest is shown in the next event, partners will begin development of terms of reference and work plan. Partners will also seek funding resources for the forum.

Delegate feedback

Information was gathered using a feedback form that was issued to delegates at the start of the event and completed throughout the day. Delegates quotes have been selected that were most representative of the range of views given.

Q1. What are the biggest challenges you face in effectively supporting offenders with learning disabilities?

Challenge: Poor inter-agency working, protocols and information sharing (18 responses)

- Collaboration between social work teams ie. criminal justice and learning disability teams.
- Getting through bureaucracy and layers of people to access the person we are supporting in prison.
- Lack of consistent approach from all agencies, and people within the same agencies.
- Lack of trust between statutory and voluntary agencies.

Challenge: Lack of availability of services (17 responses)

Most responses reflected a lack of available support for offenders once discharged. 4 delegates mentioned a lack of services focused on early intervention and 3 mentioned a lack of person-centred services.

- Not enough resources in the community to support LD prisoners being released.
- The prison system is not yet up to accommodate LD offenders but hospitals have their own issues e.g. a slide into indeterminate sentences.
- Accessing the people to offer opportunities for person centred planning.

- Developing the prevention agenda within local communities.
- Agencies sometimes de-select themselves, they think they need a particular expertise to offer service to offenders with learning disabilities.

Challenge: Lack of awareness at a local and national level (14 responses)

Delegates reflected a lack of awareness of issues facing learning disabled offenders from Criminal Justice Social Work, solicitors, Police, prison staff, Scottish Government, the public and voluntary sector staff teams. Many stated the need for awareness raising and training initiatives to remedy this.

- The fact that poor understanding of LD impacts on appropriate and effective models of intervention.
- Statutory CJ social work responses to LD offenders.
- Lack of understanding/awareness of the offenders disability in prison.
- Public perception that learning disabled offenders are a small group and that this is a 'niche' area of work.

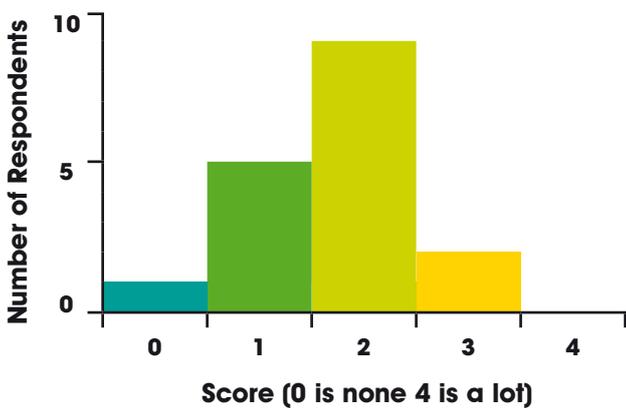
Challenge: Problems with diagnosis and eligibility for services (11 responses)

There were differing views as to how helpful improved diagnostic procedures would be. Improved diagnosis may help more people become eligible for support (while at the same time excluding them from other services), however may unnecessarily label people, and lead to greater exclusion for others. Whatever the answer, problems with diagnosis and eligibility were seen as a significant challenge in supporting learning disabled offenders.

- Discussion emphasised the importance of keeping the target group as broad as possible – learning need, rather than learning disability: Too many people in need of a service don't fit the learning disability criteria.
- Trying to access needs based support for people with learning needs but no specific diagnosed LD or ASD.
- Trying to get Adult Social Work to provide support services to people who do not fit exact diagnostic criteria.

3 delegates also reflected that **lack of resources** was one of the biggest challenges they face.

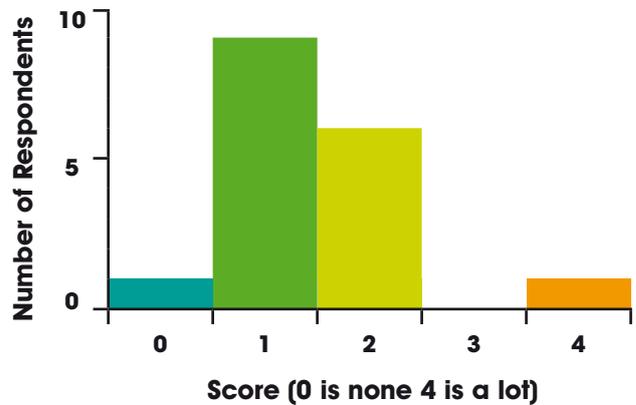
Q2. How effective do you think organisations are at working together to support offenders with learning disabilities? (0 is none, 4 is a lot)



Don't know: 2 delegates.

Only 2 delegates responded that we are any more than moderately successful at working together.

Q3. In general, how effectively supported are learning disabled offenders in Scotland (0 is none, 4 is a lot)



Only one delegate responded that learning disabled offenders are any more than moderately well supported.

Q4. What strategies and approaches work well, and how do you think they could be improved?

Opportunity: Collaboration and sharing of information (13 responses)

- The strategy to develop and initiate the Autism Alert Cord is a positive example of joint/inter agency working.
- The sharing of knowledge about the people who enter the criminal justice system, be they victims or accused. Whether this is through protocols of sharing knowledge on any other method that doesn't fall foul of data protection legislation.
- Good relationships with police, criminal justice, social work and providers. Named people within agencies to liaise with each other.
- The appropriate adult scheme works incredibly well, this should be either extended to solicitors meetings or ideally there should be a training resource for solicitors.

Opportunity: Application of person centred approaches (6 responses)

- Small close unit support teams who creatively help and support individuals to realise and fulfil their aspirations. Non judgemental support.
- Need specific support projects which are funded to provide person-centred support to offenders with learning needs.
- Finding a good person who understands and will 'champion' an individual offenders needs.

Opportunity: Improved diagnosis and referral (4 responses)

As previously mentioned, further discussion is required to establish a broad consensus about how diagnosis and access to services can be improved.

- The Services that can pick people up from a variety of referral routes – prison, community, court, hospital etc.
- Screening using HASI.
- Need to work within a more pro-active framework rather than service provision being based on diagnosis.

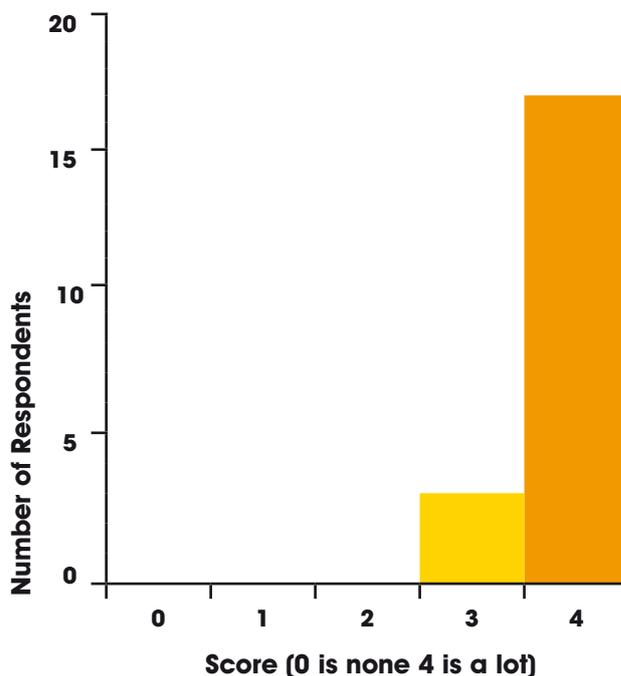
Opportunity: Improved early intervention, including early years and **work in schools** was mentioned by 3 delegates.

- Susan Deacons report on work within young children/families 0-5 suggests work will help prevent future issues.

Opportunity: Improved understanding and awareness, including more training for Criminal Justice Social Workers, was mentioned by 2 delegates.

Q5. How much need is there to develop a forum for people who work in this field?

(0 is none, 4 is a lot)



Results show a very strong desire to develop a forum for practitioners in the field.

Q6. If you think there is a need for a forum, what outcomes should it seek to achieve?

Delegates were asked to rate 4 outcomes statements in order of importance. The following order was decided:

1. Improved early intervention to prevent offending behaviour.
2. Improved support and life chances for ex offenders.
3. Better equality in criminal justice processes for offenders.
4. Reduced rates of re-offending.

Almost everyone agreed that 'Improved early intervention to prevent offending behaviour' should be the main outcome that a new forum should seek to achieve.

Other outcomes suggested were: Reduce stigma, identify service gaps, earlier support in schools, development of offence focused materials suitable for offenders with learning needs and awareness raised within Police/SPC etc about how to communicate and support offenders.

Q7. What should the forum do to achieve this?

Action: Influence change (12 responses)

Further work is required to explore what changes are required by whom, however 7 delegates specifically mention developing links with the Scottish Government.

- Develop a strategy to lobby Government for fairer and more realistic services for individuals with higher support needs.
- Highlight to 'The Same as You?' the link to closure of long stay hospital and increase prison population.
- Shared protocols between NHS, support organisations, Police, COPFS, Scottish Government Service, Prison, i.e. the full circuit of offending interested with health care providers.
- Engage with SPS/Judiciary/Police/Government to advocate on behalf of the needs of this group of individuals and the need for service provision.

Action: Provide information, training and networking events (11 responses)

4 delegates mentioned the development of on-line resources, 4 mentioned shared training and 2 mentioned having local meetings.

- Setting up a free word press website linking people/organisation blogs, facebook, best practice ideas/projects.
- Regular forums, sharing what does and does not work.

- Develop learning and development tools especially for prison officers and support workers.

Action: Map provision and identify gaps (8 Responses)

Again, further work is required to discuss how this can be achieved. One delegate suggested that an on-line resource of members of the forum would be a good way to start this. Another suggested this work could be a catalyst for organisations to work in partnership to develop new services.

- Conduct a scoping exercise of what is needed or what should be developed in the future.
- Creating a map/web detailing all relevant services across Scotland.
- Work collectively to start to scope out needs to each local authority area.

Action: Involve offenders (4 responses)

- Involve individuals with learning difficulties who have offended and invite their feedback.
- Would a website offer accessible info from the members of the forum (to offenders)?

Q8. Please tell us of anything that you have found helpful or unhelpful about today's event

17 responses to this question were received, all were positive. The most helpful aspects of the day were seen as being opportunities to share experiences and learning and networking with others.

- Networking, hearing of other services available, the opportunity to tap into expertise of others, the fact that so many organisations see these issues as crucial and are keen to develop and improve them, the need to share this with colleagues from other depts in our organisation.

- Came away with great ideas on how to adapt existing services and potentially develop new ones to address the issue
- Opportunity to discuss issues, thoughts face to face, no expectation that there is a right way or a wrong way.
- A positive event and a “no brainer”- there is a consensus to create a forum which is driven, organised and well managed.
- Hearing the experiences of people from other agencies. Everyone positive about way forward, made some important connections.
- A great initiative, thank you!

Thanks to Lynn Jolly (Cornerstone), Gary Docherty (NHS Scotland) and Peter Jung (Turning Point Scotland) for your insight, commitment and vision.

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