Hidden Vulnerabilities

Melanie Jameson discusses what we know about Specific Learning Disabilities and the implications for probation practice.

All my working life I have been concerned with a population that is worryingly over-represented in the criminal justice system (CJS). I am referring to individuals with Dyspraxia, Dyslexia, Attention Deficit Hyperactivity Disorder (ADHD) and Dyscalculia, a family of conditions previously known as 'Specific Learning Difficulties' (SpLDs). Dyscalculia is the least known, encompassing difficulties with numbers in all settings: time-telling, money, measurements, recalling numerical personal information, retaining pin numbers, dates expressed as numbers etc.

The somewhat outdated SpLD terminology brings out the fact that all the above are associated with difficulties in 'specific' areas, whereas other aspects of functioning may operate well. Asperger Syndrome is sometimes included because, again, the associated difficulties are 'specific', in contrast to the pervasive learning difficulties often associated with autism. It is now well established that SpLDs often overlap, with each other, causing a complex combination of challenges for the individual.

The impact of these conditions and the prevalence of SpLDs are what makes this an important issue for people who work in the CJS. Government-funded research in 2005 established that almost 20% of prisoners are affected by one or more SpLD, to the extent that they would struggle to cope with education and training programmes.¹ This is twice the rate of the general population.²

How might this over-representation have come about? A possible pathway was articulated by a magistrate and Dyslexia expert:

Melanie Jameson BA, PGCE, Dip RSA in SpLD, AMBDA

Dyslexia Consultancy Malvern

"When dyslexics experience lack of appropriate support from their early years, this can lead to poor reading, writing and number skills; low self-esteem; frustration, anger, truanting or exclusion from school and poor employment prospects ...all of which play their part in the climate of offending."

Nowadays terminology has evolved away from Specific Learning Difficulties - a term more prevalent in school settings. Instead, you will come across 'Neurodiversity', somewhat confusingly because we all think differently and could be described as 'neuro-diverse'. The Aspergers community in the United States popularised 'Neuro-Diversity', which then serves as a useful contrast with the more common Neuro-Typical mindset. However, in the UK at least, 'Neurodiversity' has also come to include Learning Disabilities (characterised by impaired intelligence and poor social functioning) and autism, as well as Acquired Brain Injury. My focus in this article is solely on Dyslexia and the associated 'specific' conditions.

¹ <https://alippe.eu/documents/HiddenDisabilities.pdf>

² The Incidence of Hidden Disabilities in the Prison Population (March 2005) Learning & Skills Council and Dyslexia Action'

Given their prevalence, it is surprising that so little guidance is available for CJS practitioners – unlike Learning Disabilities, which affect far fewer people. In court, for example, the defendants I support are rarely seen as vulnerable or disabled, although their combination of difficulties may often amount to a disability as defined by the Equality Act. This is an issue that will be picked up later in the article. The following extract describes the experience of a man with Dyslexia struggling during a court hearing. None of his problems had been picked up in the pre-sentence report.

I experienced total disorientation. I could hear things going on but nothing seemed to register or make sense. Important questions were garbled and distorted or didn't even register. I was asked 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.

So what provisions are available for this group, whose vulnerability may not be obvious? The starting point is the definition of disability in the Equality Act 2010, namely: 'a person has a disability if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day to day activities.'

'Long-term' is a given with neuro-developmental conditions ('Acquired Dyslexia' does exist, but is

rare). But what about substantial and adverse? The combination of difficulties, when established by testing, may well amount to a disability. Typical impacts, which vary from person to person and in their severity, can be summarised as follows. Even high-performing individuals will experience many of these:

- Slow speed of information processing, a 'penny-dropping' delay.
- Poor short-term memory for facts, events, times, dates, names (giving the impression of unreliability).
- Lack of verbal fluency, misunderstandings or misinterpretations (giving the impression of evasiveness).
- Difficulty presenting a sequence of events in a logical, structured way.
- Missing the implications of what is said, or interpreting it over-literally.
- Even if reading skills are adequate, 'digesting' written material and skimming through documentation to locate information is very challenging.
- Poor handwriting/writing skills so form-filling and responding to communications is very laborious and often avoided.
- A heightened sensitivity to noise and visual stimuli together with impaired ability to screen them out.
- Fundamental problems with organisation, time-management and prioritisation.
- Weak listening skills, a limited attention span, inability to remain focused.
- Mental overload leading to dis-engagement or 'switching off'.

Another issue is stress: although strategies for coping with everyday life are usually well developed by adulthood, these 'work-arounds' break down in times of stress, increasing vulnerability. In fact, heightened susceptibility to the effects of stress is a well-documented feature of Dyslexia etc. rendering those affected dysfunctional at times. Put this in the context of negotiating the CJS and it adds up to a considerable disadvantage, which if not understood and accommodated, might lead to misunderstandings, self-incrimination and breaching of orders or conditions.

Examples include forgetting probation appointments, confusing the date of a court appearance or making errors with settling fines. This was the focus of my first encounter with Probation, a project with Greater Manchester Probation Service (GMPS) in the late 1990s. It arose out of the low rates of compliance with Probation Orders amongst some clients. GMPS suspected that Dyslexia might be a factor. So we mapped the various aspects of Orders and procedures against the characteristics of Dyslexia, and found that there were many elements where the client could be 'at risk'. Strategies were devised for the four areas of Reading / Speaking & Listening / Writing / Personal Organisation; follow-up training was provided for Probation and ETE staff. The good practice arising out of this project can be found at [www.dyslexia-malvern.co.uk/docs/justice/GMPS information sheets.doc](http://www.dyslexia-malvern.co.uk/docs/justice/GMPS%20information%20sheets.doc)

Later work for Sussex Surrey Probation Trust led to the development of a resource bank for the sector, along with a much-disseminated booklet, known as 'KIWLs':

K = **Key** factors (of each 'specific' condition)

I = **Impact**

W = **Ways** of working (with people affected)

I = **Further Information**

'KIWLs' were featured in an edition of the Offender Engagement Programme News.

[www.dyslexia-malvern.co.uk/docs/justice/Resources for justice sector staff - Kiwis.pdf](http://www.dyslexia-malvern.co.uk/docs/justice/Resources%20for%20justice%20sector%20staff%20-%20KIWLs.pdf)

Another opportunity to convey the impact of Dyslexia, Dyspraxia, ADHD, Dyscalculia and Asperger Syndrome was an invitation to train Forensic Psychologists employed by Trusts. My most recent involvement (2012-14) was as Dyslexia Consultant on the Reference Group for SEEDS (Skills for Effective Engagement, Development & Supervision (later evolving into iSEEDS).

The resources linked to this article are a good starting point to inform 'reasonable adjustments'. One further area to which I always draw attention is Visual Stress, whereby readers repeatedly lose the place, perceive text as moving or blurring, and/or find that white paper gives off an unpleasant glare. Visual Stress is common amongst people with Dyslexia and Dyspraxia and can usually be treated by specialist opticians. Details / checklists at www.dyslexia-malvern.co.uk/visualstress

Certain features of written text, summarised below, are crucial in the way they can affect the accessibility of any forms, letters or notices that you might issue.

DO's and DON'Ts in written communications

DO USE

- adequately sized fonts, at least size 12
- good spacing
- justify left (leave a ragged right margin)
- selective use of bold and bullet points
- sans serif fonts e.g Arial, Verdana, Tahoma
- pictograms, graphics, diagrams, charts

Aim for a clear uncluttered page

DON'T USE

- small fonts (below size 12)
- cramped text
- (right) justified or centred text
- WHOLE WORDS AND PHRASES IN CAPITALS
- 'fancy' or unusual fonts or italics
- printing in either red or green

Avoid busy, overcrowded pages

So, what am I advocating? Now the new model for a Probation Service is up and running, you have the chance to build in awareness of those hidden vulnerabilities which could affect up to one fifth of your clients, and to disseminate good practice.

I would draw your attention to two resources recently developed by HMPPS for use in prisons: the Initial and Detailed LDD Screeners.³ Given that Probation is dealing with the same population, it would make sense to consult these tools.

Furthermore, an important initiative is now underway which should prove helpful. At the end of 2019, the Ministry of Justice commissioned a Call for Evidence on Neurodiversity to be conducted by the joint Inspectorates of Prison, Probation and the Constabulary. The four areas

of focus are Screening/identification, Reasonable Adjustments, Interventions and Staff Training. Outcomes should inform the sectors of Prison, Probation, Courts and Police.

To conclude, I hope that, one way or another, Probation staff will familiarise themselves with the signs of Neurodiversity, so that they are ready and able to offer appropriate support, determine reasonable adjustments, improve readability/accessibility and signpost those affected to specialist services as necessary. Readers are welcome to contact me for further information.

Website: www.dyslexia-malvern.co.uk

Email: mj@dyslexia-malvern.co.uk

³ LDD' stands for Learning Difficulties and / or Disabilities - confusing terminology which has been in use in prisons from early 2000.
<http://www.dyslexia-malvern.co.uk/resources>