

Submitted to **8. Offenders**

Submitted on **2019-11-01 17:51:00**

8.1

Please select the headings below for more information:

8.1

1 What do you think about the ideas in this section?

I like the ideas

Why do you think that?:

We are very supportive of the proposed ideas for support to ensure a fair trial, we think these would be a huge step forward in meeting the human rights

requirements for people with learning disabilities and autism. Intermediaries will go a long way to ensuring that people can fully participate and this will .

2 Could these ideas be made better?

Yes

How could these ideas be made better?:

We are supportive of the idea that all people with learning disabilities should have the right to stand trial if accused of an offence.

We would support the idea of intermediaries working alongside individuals defense solicitors in the lead up to any court appearance to further the ability of those

with the most profound impairments to stand trial and play a meaningful part in the justice process.

It is important to ensure that all communication needs are considered and supported. In Northern Ireland Intermediaries are only used for those with the most

profound and obvious communication. In court environments the impact of a learning disability will be amplified, although this may not be apparent because of

individuals coping strategies. It is therefore important that this is considered well in advance and that intermediaries are widely available to meet communication

needs.

8.2

Please select the headings below for more information:

8.2

1 What do you think about the ideas in this section?

I like the ideas

Why do you think that?:

We strongly support the ideas proposed in this section.

It is vital that all court disposals are available to people with learning disabilities and autism, particularly a full range of community sentencing options. In order for this to happen it will be vital that support is available to allow this to happen. We like that idea that this will be separate but concurrent to the punishment element of any sentence.

We like the idea of disability being a mitigating factor in considering the level of punishment and choice of sentence as this allows the individual to take responsibility, while also recognising that there are factors relating to the way people with learning disabilities are treated which will impact on this, which should be considered and addressed by the court.

We strongly support the idea that no one with an impairment should be detained or restricted longer than any other offender on the grounds of their disability. We believe this is fundamental to upholding their human rights.

We are supportive of the proposal of more comprehensive training to justice professionals on the impact of learning disabilities and autism and on how to communicate with individuals with these conditions. However, this must be in addition to the provision of specialist support by professionals with particular expertise to ensure the most comprehensive support and fairest outcomes.

2 Could these ideas be made better?

Yes

How could these ideas be made better?:

Many of our members face the difficulty of losing the small amount of support they receive when a sentence comes to an end. We would support the idea that the support proposed, which would be available during a sentence, being available to continue on a voluntary basis at the end of any sentence period should the individual request it.

8.3

Please select the headings below for more information:

8.3

1 What do you think about the ideas in this section?

I like the ideas

Why do you think that?:

We strongly support the proposals in this section.

We believe that at the time of parole consideration should be given to the support needs of the individual and support should be offered to aid transition back into society.

We believe that decisions on continuing risk should be based on the nature of the offence committed and that life long restriction orders should be given based on this and not on whether someone has an impairment or disability.

2 Could these ideas be made better?

No

How could these ideas be made better?:

8.4

Please select the headings below for more information:

8.4

1 What do you think about the ideas in this section?

I like the ideas

Why do you think that?:

We broadly agree with and support the recommendations in this section. We agree that it is vital that people with learning disabilities and autism have access to high quality care and treatment to meet their physical and mental health needs. These should be equal to the service available to others citizens and universally available across the country.

We agree that there should be an assumption against hospital detention. In fact we believe that no one with a learning disability or autism should be detained in

hospital because of their disability whether they have committed an offence or not.

If they are suffering from a mental illness they should be assessed on their need for treatment including detention based on their mental health not their disability.

This will require an improvement in the availability of community mental health services which have the expertise in working with people with learning disabilities and autism.

2 Could these ideas be made better?

Yes

How could these ideas be made better?:

It is important that before anyone with a learning disability or autism is considered for detention because of mental illness or distress, a human rights assessment needs to be carried out to investigate whether this is in different practice based on their disability and if this is found to be the case a suitable community based alternative be devised.

8.5

Please select the headings below for more information:

8.5

1 What do you think about the ideas in this section?

I like the ideas

Why do you think that?:

We strongly support the recommendations in this section.

It is vital that sentences are time limited.

We also strongly support the availability of community sentences and offence related education are available and suitably adapted for people with learning

disabilities and autism. In fact, given the difficulty people with learning disabilities have with transferable learning and the increased negative impact of detention

or custodial sentences on these individuals, it is more important and appropriate that sentences and rehabilitation work be delivered in the community in order to

maximise the potential for positive impact.

2 Could these ideas be made better?

Yes

How could these ideas be made better?:

As mentioned in a previous section, support ending when a sentence finishes can leave people with learning disabilities and autism in a very vulnerable place and at risk.

We would support the idea of support being able to continue on a voluntary basis following the end of the sentence period should the individual wish for this to

happen. Although the decision for this must lie exclusively with the individual.

About you

1 What is your name?

Name:

SOLD - Supporting offenders with learning disabilities

2 Are you taking part as an individual person, as a professional or as a group of people?

A Group

3 Do any of these apply to you?

I am a person with learning disability

4 If you are taking part as a professional, what is your profession?

Profession:

Supported by a development worker

5 If you are taking part as a group, what is the name of your group?

name of group:

Supporting offenders with learning disabilities user group

6 Do you live in Scotland?

Yes

8 Do you want us to publish your response?

Yes please publish my response anonymously

If you want to say anything else at all please say it here:

Submitted to **9. Where support, care and treatment happens for offenders**

Submitted on **2019-11-01 19:23:54**

9.1

Please select the headings below for more information:

9.1

1 What do you think about the ideas in this section?

I like the ideas

Why do you think that?:

We support the ideas suggested in this section.

It is vital to have properly support community based rehabilitation which is adapted or specifically based on the needs of people with learning disabilities and

autism. This will be vital to ensuring equality in sentencing and in ensuring that people have the opportunity to learn from their mistakes and progress in life.

We strongly support the idea that community rehabilitation has a social basis as opposed to to a medicalised approach. We think that Will allow the service to

best support the learning, development and rehabilitation of offenders with learning disabilities and autism. This will not only provide them with the best

opportunity to progress but will also be best for wider society.

2 Could these ideas be made better?

No

How could these ideas be made better?:

9.2

Please select the headings below for more information:

9.2

1 What do you think about the ideas in this section?

I like the ideas

Why do you think that?:

We are broadly supportive of this idea although we do have some concerns about how these would be developed in practice. It would be vital that there would be

sufficient funding to ensure that these facilities are designed to genuinely meet the needs of people with learning disabilities and autism and that there are enough

of these facilities to allow for people to serve their sentences close to the communities and families.

Our preference would be that prisons could be adapted and developed to create an environment which is safe, supportive and suitable for all prisoners including those with learning disabilities and autism but we recognise that this is not currently realistic. As a result we think that rehabilitation centres are a good alternative.

We would of course be keen to be involved in their development, and believe that it will be vital to their success that people with learning disabilities and autism and experience of the criminal justice system be involved in this development from the outset.

2 Could these ideas be made better?

I don't know

How could these ideas be made better?:

9.3

Please select the headings below for more information:

9.3

1 What do you think about the ideas in this section?

I like the ideas

Why do you think that?:

We support the ideas in this section. We think making prisons a supportive environment suitable for prisoners with learning disabilities and autism is important, not just for those who end up there with disabilities, but also for the general prison population, especially those who are on the borderline or who have other cognitive impairments.

We think comprehensive and universal screening is important to ensure people in need of additional support do not slip through the net. However this screening must be backed up, quickly with the required additional support and specialist services, otherwise it will do nothing but burden the prisoner with an additional label.

We are strongly supportive of high quality training on learning disabilities, autism and other impairments to allow prison staff to best support prisoners. We also support the idea of prisons adopting a more therapeutic and trauma informed approach. This would benefit those with learning disabilities and autism, as well as those with other difficulties and the prison population more generally.

We strongly believe that prison should be reserved for those who have committed only the most serious offenses and who pose a high risk to the public. For all

other offenders community sentences provide a much better option for rehabilitation. This is especially the case for those with learning disabilities and autism as they are more susceptible to the effects of institutionalisation and the loss of daily living skills, as well as being less able to transfer any offence focussed learning from the artificial prison classroom environment to the practical application in the community.

2 Could these ideas be made better?

Yes

How could these ideas be made better?:

As stated above we support comprehensive screening to ensure the appropriate provision of support. We do have concerns that if this is only happening when someone reaches prison it runs the risk that some people will miss out on the required support during police investigation and during the trial process.

We would prefer the idea of screening to identify support needs much earlier in the process, ideally shortly after arrest, this would allow appropriate support to be provided throughout. In order for this to be successful it would require a well organised reporting and information sharing process to ensure that the relevant information accompanied the individual through the criminal justice process. However the development of a detailed report on the individuals support needs could be developed by a social worker in partnership with the proposed intermediary.

About you

1 What is your name?

Name:

SOLD - Supporting offenders with learning disabilities

2 Are you taking part as an individual person, as a professional or as a group of people?

A Group

3 Do any of these apply to you?

I am a person with learning disability, I am an autistic person

4 If you are taking part as a professional, what is your profession?

Profession:

With support from a development worker

5 If you are taking part as a group, what is the name of your group?

name of group:

Supporting offenders with learning disabilities user group

6 Do you live in Scotland?

Yes

8 Do you want us to publish your response?

Yes please publish my response anonymously

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