



# News Release

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Arolygiad ar Cyd Cyfiawnder Troseddol

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## **OFFENDERS WITH LEARNING DISABILITIES NOT GETTING HELP THEY NEED, SAY INSPECTORS**

The needs of many people with learning disabilities are going unnoticed when they are arrested by police, go to court and are sentenced, according to independent inspectors. Today they published the report of a joint inspection into people with learning disabilities within the criminal justice system which said their needs should be recognised and addressed.

The report, *A joint inspection of the treatment of offenders with learning disabilities within the criminal justice system: phase 1 from arrest to sentence*, reflects the findings of HM Inspectorate of Probation, HM Inspectorate of Constabulary, HM Crown Prosecution Service Inspectorate and the Care Quality Commission. The inspection covered activity at police stations, the prosecution and court process, pre-sentence report preparation and the assessment and planning undertaken at the start of the community order.

No clear definition or agreement exists across criminal justice and health organisations about what constitutes learning difficulties or disabilities. Although believed to be a sizeable minority, possibly as high as 30%, there is no way of knowing the number of people with such conditions within the criminal justice system. Adequate provision is, consequently, not always made by the agencies involved to cater for their specific needs.

Inspectors were concerned to find:

- little had changed by way of effective screening of detainees with a learning disability at the police arrest stage;
- few medical or psychiatric professionals were specifically trained to work with people with learning disabilities in police custody suites;
- a lack of knowledge and training led to offenders with a learning disability being perceived as a problem to be processed rather than an individual with particular needs requiring individual help;
- too often, offenders with learning disabilities were not receiving the support they required to reduce their risk of harm to others or their likelihood of reoffending;
- in some areas police custody sergeants said appropriate adults were not always available to assist with cases;
- only one of the police forces inspectors visited had a mechanism to divert offenders from custody before arrest on the grounds of identified mental health problems or a learning disability;
- in other areas, diversion schemes were implemented within the court building rather than before or at arrest. Earlier interventions might have avoided the need for a costly and stressful court process in some cases;
- in two-thirds of the cases inspected, the Crown Prosecution Service (CPS) was not provided at key stages with information regarding the offender's learning disability; although all the decisions examined were correct, this information is vital to ensure they are properly informed; and
- pre-sentence reports were not always based on an appropriate risk/needs assessment and in the majority of cases, the assessment emphasised the offender's need rather than any risk they may have posed to the public. As a result, these offenders were sometimes denied access to interventions to address their offending.

In his review of people with mental health problems or learning disabilities in the criminal justice system, published in 2009, Lord Bradley suggested that *'the police stage in the offender pathway provides the greatest opportunity to effect change'*. The recent government announcement confirming the decision to extend the provision of mental health and learning disability nurses to police stations and courts in ten pilot areas is a positive development.

The chief inspectors made recommendations for improvement for police forces, the CPS, the Department of Health and NHS England (Health and Justice), probation trusts, and Her Majesty's Courts and Tribunals Service. These recommendations included the criminal justice agencies jointly adopting a definition of learning disability, ensuring information is shared and making effective screening tools available in custody suites.

HM Chief Inspector of the Crown Prosecution Service and Chair of the Criminal Justice Chief Inspectors Group, Michael Fuller QPM, said on behalf of all inspectorates:

“Although we found some excellent examples of professionals going the extra mile to ensure that individual offenders with learning disabilities received the appropriate support they required, such instances were exceptional and these deficits were mirrored across the criminal justice system.

“A balance needs to be struck between the support needs of those with learning disabilities and the need to hold them to account, where appropriate, for their offending. If offender engagement is to have any real meaning it has to start with an understanding of the offender's learning ability and style based on an effective screening of all offenders.

“For those with a learning disability this is even more important as failure to identify and address their needs denies them their right to access services both inside and outside the criminal justice system.”

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**For further information, please contact Jane Parsons, HMI Probation press office on 020 3681 2775 or 07880 787452.**

**Notes to Editors:**

1. A copy of the full report can be found on the HM Inspectorate of Probation website from 30 January 2014 at: <http://www.justice.gov.uk/publications/inspectorate-reports/hmi-probation/inspection-reports-thematic>
2. Her Majesty's Inspectorate of Probation is an independent inspectorate, sponsored by the Ministry of Justice, and reporting directly to the Secretary of State on the effectiveness of work with individual adults, children and young people who offend, aimed at reducing reoffending and protecting the public.
3. Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) is an independent statutory body established by the Crown Prosecution Service Inspectorate Act 2000, which came into force on 1 October 2000. The Chief Inspector is appointed by, and reports to, the Attorney General.
4. Her Majesty's Inspectorate of Constabulary (HMIC) is an independent inspectorate, inspecting policing in the public interest, and rigorously examines the efficiency and effectiveness of police forces to tackle crime and terrorism, improve criminal justice and raise confidence. HMIC inspects and regulates all 43 police forces in England and Wales.
5. The Care Quality Commission (CQC) is the independent regulator of health and social care in England. The CQC makes sure health and social care services provide people with safe, effective, compassionate, high-quality care and it encourages care services to improve. The CQC monitors, inspects and regulates services to make sure they meet fundamental standards of quality and safety and publishes what it finds to help people choose care.
6. On 4 January, the Department of Health announced an extra £25m of funding for mental health nurses and other mental health professionals to work with police stations and courts so that people with mental health, learning disabilities and substance misuse problems can receive treatment at the earliest possible stage. Ten areas across the country will test out a new model of Liaison and Diversion services. For details, the DH press release is here: <https://www.gov.uk/government/news/extra-funding-for-mental-health-nurses-to-be-based-at-police-stations-and-courts-across-the-country>