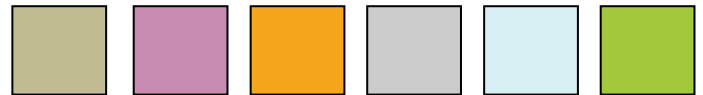




People with Learning Disabilities and the Scottish Criminal Justice System

Introduction



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About this guide



This is an easy to understand guide for people with learning disabilities and their families and carers.

It tells people what they can expect from Criminal Justice Services.



There is also a version of this guide for:

➤ Advocacy workers



➤ Professionals working in services for people with learning disabilities



➤ Professionals working in the Scottish criminal justice system

Introduction



People with learning disabilities come into contact with the criminal justice system as:



➤ **Witnesses** – if they have seen or heard something happen that they need to tell the Police.



➤ **Victims** – if someone has done something to harm them and the Police are told about it.



➤ **Someone accused or suspected of a crime** – if someone thinks that they may have done something to break the law and the Police are finding out about it.

➤ **Someone convicted of a crime** – if they have been to court and found guilty of doing something which breaks the law.



➤ **Jurors** – the jury is the name for the group of members of the public who listen to evidence at trials in court.



People with learning disabilities are more likely to be **victims** or **witnesses** of crimes than commit crimes.



This guide is about making sure that people with learning disabilities are supported and protected when they have contact with criminal justice services.

Many people with learning disabilities live independently and do not need additional help from services.



A learning disability is a lifelong condition that means that the person **may** need help to:



➤ Understand information



➤ Learn to do things



➤ Be independent



➤ This comes from “The Same As You?” Publication by the Scottish Government (2000)



People with learning disabilities **may** need support to live independently.



Not **everyone** will need support.



Some people will need more support than others.



- People with learning disabilities may need help with:
 - **Understanding things**
 - **With speech**
 - **Explaining things**



- A large number of people with learning disabilities may need help with these things



- People with learning disabilities may need help remembering things



- People with learning disabilities may also need help talking to people they don't know



People with learning disabilities **may** have additional **communication support needs**.



It is important for services to know about **communication support needs** like:



➤ Receptive language (understanding)



➤ Expressive language (talking)

➤ Social *use* of language



➤ Speech (making speech sounds clearly)



People with learning disabilities
are all individuals.

Some people **may** need help with:

➤ Filling in forms

➤ Following instructions

➤ Concentrating

➤ Telling the time

➤ **Not everyone** will need this
help



Some people with learning disabilities prefer services to use the term **Learning Difficulty**.

The term **Learning Difficulty** is often used in Education Services to describe people who have problems with reading, writing or numbers.

People with **learning disabilities** also **may** need help with reading, writing or numbers.

It is important for services to understand the **needs** of people whether they have a **learning disability** or a **learning difficulty**.

What's important is the **person** not the **label**.



The Same As You?



“The Same As You?”

is an important document. It was published by the Scottish Government in 2000.

This document says that people with learning disabilities should:

- Be valued
- Be treated as individuals
- Be given choices
- Be able to use the same services as everyone else
- Get help and support when the need it
- Have access to specialist health, education and social services if needed
- Be able to use services that understand their needs



Rights



People with learning disabilities have the same rights as anyone else.



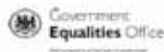
There are laws to protect the rights of people with learning disabilities.



There is easy to understand information available about these laws.



Here are some of the important laws and reports about the rights of people with learning disabilities:



The Equality Act,
making equality real

Easy Read Document



- The Equality Act 2010
 - This is a new law which is replacing most of the Disability Discrimination Act 2005.
 - It protects the rights of people with disabilities.

An easy to read guide to the
Disability Discrimination Act



Introduction

The Disability Discrimination Act is a law to help disabled people. It says disabled people must be treated fairly. The law also says that disabled people must not be discriminated against.



Discrimination:

This means treating someone worse than other people for some reason.



Disability Discrimination:

Disability discrimination is treating someone worse than other people because of their disability

- The Disability Discrimination Act 2005
 - This is a law which protects the rights of all people with disabilities



Here are some of the important laws and reports about the rights of people with learning disabilities:



- The European Convention on Human Rights
 - This is a law which protects the rights of everyone



**The Adult Support and Protection
(Scotland) Act 2007**



An Easy Guide to Part 1 of the Act

- The Adult Support and Protection (Scotland) Act 2007
 - This is a law which protects vulnerable people from being harmed



Here are some of the important laws and reports about the rights of people with learning disabilities:

ENABLE Scotland

Leading the way in
learning disability



An Introduction to the Adults
with Incapacity Act



Information from ENABLE Scotland

- The Adults with Incapacity (Scotland) Act 2000
 - This is a law which protects people who may not be able to make decisions for themselves.

A life like any other?

Human Rights and Adults with
Learning Disabilities



An EasyRead summary of a Report by
the Joint Committee on Human Rights

- “A life like any other?”
 - This is a report about the rights of people with learning disabilities.



Here are some of the important laws and reports about the rights of people with learning disabilities:

the new
mental
health act:
an easy
read guide



healthier
scotland

➤ The Mental Health (Care & Treatment) (Scotland) Act 2003

- This law is about anyone who needs to get treatment to get help with their mental health problems



➤ The Vulnerable Witnesses (Scotland) Act 2004

- This law is all about helping people who may come into contact with the criminal justice system



People with learning disabilities can get help from **advocacy services**.

Advocacy services can help people with learning disabilities to:



➤ Understand their rights



➤ Speak up for themselves



➤ Speak to others on their behalf

Learning Disability and the Criminal Justice System

“Supporting People with Learning Disabilities”





People with learning disabilities are more likely to be **victims** or **witnesses** of crimes than commit crimes.



This guide aims to make sure that people with learning disabilities are supported and protected when they have contact with criminal justice services.



People with learning disabilities **may** need help with:

- Knowing when situations or behaviour could be risky





People with learning disabilities **may** often be more vulnerable because they might need help with:

➤ Not understanding why other people do the things they do



➤ Communication – speaking, listening and understanding



➤ Understanding social situations



➤ Being tricked or bullied by others



➤ Reporting crimes



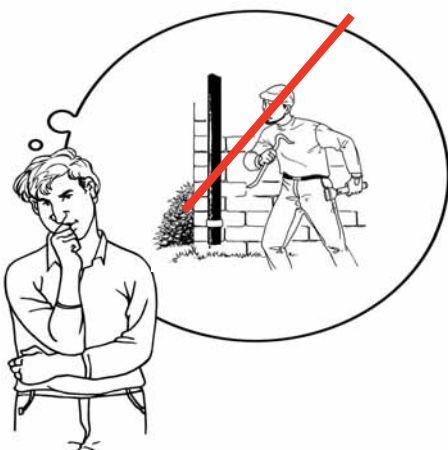
➤ Living in areas where there is a lot of crime



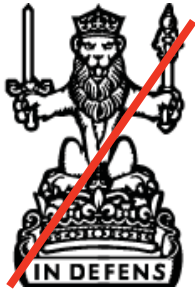
It is important to understand that some people with learning disabilities who commit crimes know that they have done wrong.



Being convicted of a crime can help someone with a learning disability to understand about consequences.



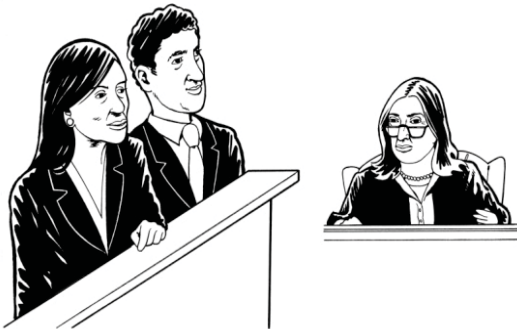
This may mean that they will not commit crimes again.



It is important to understand that some people with learning disabilities who commit crimes cannot cope with the criminal justice system.



This may be because they do not understand what they have done wrong.



This may be because they cannot understand the process of going through the criminal justice system.

the new
mental
health act:
an easy
read guide



ENABLE Scotland
Leading the way in
learning disability



An Introduction to the Adults
with Incapacity Act



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This may mean that some people with learning disabilities do not follow the same process as everyone else.

More Information and Resources

There is easy to understand information available from some of these organisations:

- Mencap's 'Make it Clear' campaign home page <http://www.mencap.org.uk/document.asp?id=1579>
- List of Books Beyond Words titles
www.rcpsych.ac.uk/publications/booksbeyondwords/bbwtitlesa-z.aspx
- "Being a witness: a guide for child and adult vulnerable witnesses" - A CD Rom that includes useful information about going to court, video clips of witnesses giving evidence in court and using special measures, as well as a virtual tour of a courtroom. This is also available in DVD format.
Published by the Scottish Government
Copies are available by phoning: 0131 244 2213
- "Being a witness – going to court" - A booklet for adult witnesses in criminal and children's hearing court proceedings. Published by the Scottish Government
Hard copies are available by phoning: 0131 244 2213 <http://www.scotland.gov.uk/Publications/2006/04/26124648/0>
- "Being a witness – the use of special measures" - A booklet for adult witnesses in criminal and children's hearing court proceedings. Published by the Scottish Government. Hard copies are available by phoning: 0131 244 2213 <http://www.scotland.gov.uk/Publications/2006/04/26124813/2>

- “What happens next?” A DVD resource for people with a learning disability
Published by Lanarkshire ACE, Speak Out Advocacy Project. The DVD is available by phoning: 01355 230202.
- “Victims of Crime in Scotland” - A Scottish Government website with information for victims.
www.scottishvictimsofcrime.co.uk
- “I am a witness in court – a guide for people with learning disabilities” - An easy-read booklet published by the Scottish Government. Hard copies are available by phoning: 0131 244 2213.
www.scotland.gov.uk/Topics/Justice/criminal/17416/InformationMaterials
- British Institute of Learning Disabilities, Advocacy homepage
➤ www.bild.org.uk/04advocacy.htm
- Foundation for People with Learning Disabilities, Advocacy homepage
www.learningdisabilities.org.uk/page.cfm?pagecode=ISRVADAR
- Voice UK, advice for advocacy and self-advocacy groups
www.voiceuk.org.uk/trainequalaccess2.htm
- The UK Advocacy Network (UKAN)
www.ukan.co.uk/index.html
- The New Mental Health Act: An Easy Read Guide
www.scotland.gov.uk/Publications/2007/09/03145057/0



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