

Access to Justice

Do you know the difference between Learning Difficulties and Specific Learning Difficulties? The difference matters, it matters particularly in the context of the Criminal Justice System.

Melanie Jameson, a specialist in Dyslexia, explained to participants at the Saturday Seminar that Dyslexia, Dyspraxia, Dyscalculia, ADHD and Asperger Syndrome are Specific Learning Difficulties (SpLDs) whereas, for example, Downs Syndrome, is a general Learning Difficulty (LD). Each of the conditions known as SpLDs has its own particular symptoms however, as Melanie explained, they often overlap and indeed they can vary from person to person. Never-the-less what they have in common is that they pose problems for sufferers when they come into contact with either the Police, the Courts or the prisons.

Though the conditions vary, most common are problems with communication skills; this may be unclear speech, difficulty conveying ideas, inattention, difficulty reading, writing, spelling. Imagine being faced with questioning, with forms to fill in, with statements to read and understand. This is where precise language and consistency are of prime importance. Add to this the stress of being in an unknown situation and immediately things become worse for someone with an SpLD.

Lack of time management and organisational skills (often part of SpLDs) means that, for example, an offender may turn up to Court at the wrong time – too early and their stress level is worse, too late and the consequences can be profound. They may also lack social skills and cannot judge the right reaction in a situation – like giggling when nervous in Court. Some of these difficulties would occur to any one of us but if you suffer from SpLDs each one adds more and more stress and makes their reaction more extreme.

Does this matter? Yes, because the offender, the witness, the juror is gravely disadvantaged. Though there is a reasonable knowledge within the Criminal Justice System on general Learning Difficulties, there is very little on SpLDs. Melanie has been very active in reversing this. Among much else, she has helped produce guides for the Courts, Prison and the Police (see her website at dyslexia-malvern.co.uk). She also drew our attention to the provisions of the Equality Act which allow for what is known as ‘Reasonable Adjustment’ if a person has a disability. So, for instance a request can be made to the Court to have single questions, to be given time to respond, to be allowed to have access to a separate room in which to consider paperwork. These can be considered at a pre-trial meeting, making sure that everyone involved knows about the potential difficulties faced by a sufferer of a SpLD.

Sadly the speaker on the cuts to Legal Aid gave back word at the last minute but Melanie pointed out that increasingly people appearing before the courts (both civil and criminal) are having to represent themselves, meaning they must be organised, speak for themselves, question expert witnesses – something they would struggle with even without an SpLD.

This was an ‘eye opening’ Seminar and one which covered much more than can be conveyed in this short article. It is a matter of great importance. Twenty percent of all prisoners have an SpLD.

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