



Dyslexia Assessment and Consultancy

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GOOD PRACTICE IN COURTS & TRIBUNALS **Information Sheet on Specific Learning Difficulties**

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This six page document lists the features of Specific Learning Difficulties which can disadvantage and disable people in court, tribunal and parole hearings. Appropriate accommodations are proposed.

People with disabilities – including many with Specific Learning Difficulties - are entitled to have their needs considered and their difficulties accommodated, insofar as this is reasonable. This approach is enshrined in key pieces of legislation:

- The Disability Discrimination Act (1995) which stipulates that *Reasonable Adjustments* must be made for people who fit the definition of disability
- The Human Rights Act (1998)
- The Disability Equality Duty incumbent on the courts (2007)

When someone with Specific Learning Difficulties comes before a court or tribunal these obligations can be met by the provision of a document which

- a) summarises the particular difficulties the individual faces (confirmed by a formal assessment)
- b) describes how these will impact on appearances before a court or tribunal
- c) outlines accommodations or *Reasonable Adjustments*

An example is included in the Equal Treatment Bench Book, section 5.5.5 (See Resources)

The guidance in this document provides information on

- ways in which Specific Learning Difficulties can disadvantage people in court hearings

- appropriate accommodations or *Reasonable Adjustments* which can be made for them

How Specific Learning Difficulties can disadvantage people in court/tribunal hearings

Difficulties arising from dyslexia, dyspraxia and AD(H)D vary considerably from person to person, but the areas of difficulty listed below are typical.

Information Processing

- Difficulties with taking in information efficiently (this could be written or auditory)
- Slow speed of information processing, such as a 'penny dropping' delay between hearing something and understanding and responding to it

Memory

- Poor short-term memory for facts, events, times, dates (giving the impression of unreliability)
- Problems with remembering names (this could apply to people, places or items such as drugs or medication) and mistakes with routine information
- Inability to hold on to information without referring to notes

Communication Skills

- Lack of verbal fluency, lack of precision in speech (giving the impression of evasiveness)
- Inability to work out what to say quickly enough, word-finding problems
- Misunderstandings or misinterpretations during oral exchanges
- Difficulty in judging or modulating tone of delivery, often either too loud or too quiet
- Sometimes mispronunciations or a speech impediment may be evident
- Sudden verbal abuse can be the panic reaction of someone with Asperger Syndrome

Literacy

- Erratic spelling and/or awkward or illegible handwriting
- Even if reading skills are adequate, 'digesting' written material, skimming through documentation or easily locating a piece of information in a court bundle is very challenging
- Particular difficulty with unfamiliar types of language such as legal terminology, acronyms etc.

- Difficulty with reading because of visual stress: symptoms include a 'glare' from white paper, difficulty in keeping the place on the page, apparent print distortions and eye strain

Visual stress can be exacerbated by fluorescent lighting, cramped text and white paper.

Sequencing, Organisation and Time Management

- Difficulty presenting a sequence of events in a logical, structured way
- Incorrect sequencing of number and letter strings
- Tendency to misplace items, chronic disorganisation, muddling dates or times
- Poor time management and particular difficulties in estimating the passage of time

Orientation

- Difficulty with finding the way to places or navigating the way round an unfamiliar building

Concentration

- Weak listening skills, a limited attention span, inability to remain focused
- A tendency to be easily distracted
- Sensations of mental overload / 'switching off'

Sensory Sensitivity

- A heightened sensitivity to noise and visual stimuli
- Impaired ability to screen out background noise or movement

Lack of awareness

- Failure to realise the consequence of their speech or actions
- Failure to take account of body language
- Missing the implications of what they are told or interpreting it over-literally

Particular susceptibility to the effects of stress can further exacerbate areas of difficulty and undermine coping strategies.

Appropriate accommodations or *Reasonable Adjustments*

When delivering spoken information

- When providing complex information (such as explaining a person's rights) first introduce the topic, then give the details, then summarise if necessary
- Deal with issues in chronological order: do not jump around in time
- Allow the client to ask for questions to be repeated or re-phrased without censure or (implied) criticism. The client may need to check understanding by re-phrasing questions
- When reading information out to a client, insert pauses after each section to allow the information to be absorbed
- Check back to ensure understanding
- Make allowances for slow processing of information, misunderstandings and partial answers
- Allow thinking time before prompting a response
- Be aware of a probable limited attention span and the possibility of mental overload

When delivering / referring to written information

- Be aware that some dyslexic people have considerable difficulty comprehending written material, despite being able to read adequately
- If the client suffers from visual stress, documentation in court should be adapted according to accessibility guidelines. Bright white paper should be avoided; tinted paper, such as pale blue or grey, is preferable
- Whole phrases in capital letters should be avoided as these are hard to decipher given that the normal shape of the word has been obscured
- Since the effort required to decode text impairs overall comprehension, some clients will fare better if text is read to them. They may need a helper to find the place when extracts from particular documents have to be located 'on the spot'

When requesting information

- Take account of likely difficulty with recalling / reciting strings of numbers or letters (number plates, addresses etc.)
- Be aware that, in a stressful situation, recall of times, places and events may not be accurate. Comprehension will become increasingly impaired

Facilitating reliable evidence

- In many cases, rest breaks will be necessary to restore concentration (at least ten minutes for every fifty minutes of the proceedings). Many people with specific learning difficulties will have reached 'mental overload' long before this time
- The stress and distractions of the court, together with the rapid 'cut and thrust' of questioning, disadvantage people with specific learning difficulties. Most people would cope far better with the following accommodations:
 - assistance in locating and digesting documentation
 - encouragement to take their time in answering questions so that they could provide a thoughtful response
 - access to a witness intermediary or trained appropriate adult
 - the opportunity to consider likely topics in advance
 - the use of a video link

FURTHER ISSUES

It is not advisable for people with Specific Learning Difficulties to be unrepresented / Litigants in Person. The difficulties inherent in their condition(s), together with inexperience and ignorance of legal proceedings, combine to place them at an overwhelming disadvantage.

If the individual is unable to retain what has transpired during the hearing, s/he should be supplied with a record of the proceedings.

People with Dyslexia, Dyspraxia and Attention Deficit (Hyperactivity) Disorder vary greatly in the difficulties they experience; accommodations therefore need to be adapted to suit each individual. Never make assumptions – individuals should be given the opportunity to explain their needs and preferences.

This guidance has been developed by Melanie Jameson, Special Adviser to DANDA

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RESOURCES

Judicial Studies Board publications: www.jsboard.co.uk:

1. *Equal Treatment Bench Book* (sections 5.5 & 5.6)
2. *Fairness in Courts & Tribunals* (summary of the Equal Treatment Bench Book)

Autism: A Guide for Criminal Justice Professionals (revised 2008) National Autistic Society

The Tipping Points: the impact of Attention Deficit Hyperactivity Disorder P.Anderton (2007)
ADDISS

Good Practice Guide for Justice Professionals: Guidelines for supporting Clients and Users of the Justice System with Dyslexia and related SpLDs M Jameson and the British Dyslexia Association
(2009) British Dyslexia Association

RESEARCH:

1. *No One Knows: Learning difficulties & learning disabilities in prisons* (2005 onwards)
Prison Reform Trust. The project explores the 'prevalence and needs of offenders with learning difficulties and learning disabilities' in custodial, police custody and court settings.

2. *Incidence of Hidden Disabilities in the Prison Population* (March 2005) Learning & Skills Council

CONCLUSION: Just over half (52%) have literacy difficulties.

20% have a hidden disability, affecting learning and employment, such as Attention Deficit Disorder.

INFORMATION SHEETS: www.workingwithdyslexia.com; www.danda.org.uk

See: Expert Witness Work