

DYSLEXIA AND RELATED CONDITIONS EXPLORING THE DIFFICULTIES - OUTLINING GOOD PRACTICE

Information for the Parole Board

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Melanie has undertaken expert witness work on behalf of dyslexic/dyspraxic clients and provided briefings on dyslexia and offending for House of Lords debates.

She has written on dyslexia and overlapping conditions in a number of publications and produced guides and training materials, freely available on www.dyslexia-malvern.co.uk – as is this resource.

Melanie was commissioned to provide guidance on ADHD, Autism, Dyslexia, Dyspraxia and Visual Stress for the Equal Treatment Bench Book; this is located within the alphabetical Disability Glossary, Appendix B. <https://www.judiciary.uk/wp-content/uploads/2023/06/Equal-Treatment-Bench-Book-April-2023-revision.pdf>

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THE CONTEXT

The term 'Neurodivergence' includes a family of overlapping conditions where specific areas of functioning are compromised, affecting how skills are acquired and how information is processed. There is no correlation with overall intelligence – Dyslexia is the most common.

The associated difficulties vary from person to person, ranging from mild to severe, as does the individual's ability to implement coping strategies.

Some problem areas are associated with more than one condition – all are **greatly exacerbated by stress** – to which this population is particularly susceptible.

Executive function is often impaired, affecting the following areas

- Organisational and planning abilities
- Working memory (capacity to hold information in your head whilst working on a task)
- Self-reflection and self-monitoring
- Flexibility in choosing strategies
- Time management and determining priorities
- Difficulty shifting attention OR following a change in the discourse.

A combination of typical problem areas may have led to a failure to comply with probation programmes, orders and procedures, leading to recall – or a mistaken assessment of risk.

RESEARCH STUDY: *The Incidence of Hidden Disabilities in the Prison Population (2005)*

Prevalence of * hidden disabilities in the Offender population

* **hidden disabilities** here refer to *Dyslexia, Dyspraxia, Attention Deficit (Hyperactivity) Disorder & Dyscalculia*

This study, by the Learning & Skills Council and Dyslexia Action, investigated Dyslexia and related conditions in a number of prisons.

Conclusion: 52% have literacy difficulties, just under 20% have a hidden disability affecting learning & employment.

Prevalence in the general population

Studies show that around 10% of the general population is affected by hidden disabilities to some extent (5% severely).

The extent of an individual's difficulties may amount to a disability, as defined in the **Equality Act 2010**. As with all 'protected characteristics', we are required to make **Reasonable Adjustments** to remove barriers to participation. This three-part duty is outlined as follows:

1. Changing practices, policies and procedures which place disabled people at a substantial disadvantage
2. Overcoming barriers caused by the physical environment
3. Taking reasonable steps to provide auxiliary aids or services.

The **Public Sector Equality Duty 2011** requires equality considerations to be reflected in the design of policies including internal policies, and the delivery of services, and for these issues to be kept under review.

2. SUMMARY of the Impact / Implications of a range of ND difficulties

AREAS OF DIFFICULTY	IMPACT & IMPLICATIONS
Poor reading skills and / or Visual Stress affecting reading	Underachievement in literacy areas. Struggles to cope with form-filling and with OBPs. Avoids education & training courses.
Poor speaking & listening skills	Requires thinking time before responding. Misunderstandings arise leading to sanctions. Can appear evasive and uncooperative. Frustration/anger when cannot communicate.
Short attention span High levels of distractibility	Becomes overloaded and ‘switches off’. Easily distracted, may distract or annoy others.
Weak <u>short-term memory</u>	Forgets information / oral instructions. Cannot retain information (without using strategies).
Weak <u>working memory</u>	Struggles to hold on to information whilst undertaking a task or during verbal interaction.
Poor organisation	Fails to turn up at the right place/time/day.
Confuse left/right. Disorientation	Trouble locating venues. Easily becomes lost.
Lack of numeracy or Dyscalculia	Struggles with dates/times/money, retaining pin and prisoner numbers.
Low self-esteem and confidence	Unwilling to take up opportunities. May be very suggestible.

- Further issues, such as substance misuse / head injury, will affect behaviour
- Challenging behaviour may mask neurodivergence
- People with these conditions may also have a mental health problem and have already been picked up by Healthcare. This ‘double diagnosis’ is often missed.

3. VULNERABILITY IN HEARINGS

a) The difficulties faced by ND adults in formal procedures can combine to create a formidable barrier to participation. Below is a list of issues they describe as challenging:

- a build up of stress, until we cannot function at all
- coping with strangers and 'reading people' in unfamiliar settings
- processing what we are being told and retaining what has been said
- struggling to put our point across and find the right words – knowing what sort of answer is expected
- producing precise unambiguous answers and providing consistent information
- finding the place in documentation
- maintaining concentration and focus without becoming overloaded.
- the experience of sensory overload from fluorescent lighting and background noise

CONCLUSIONS

"Our credibility is in doubt because we cannot 'perform' as expected"

"The system seems almost designed to entrap us because questioners seem to seize on just those things that we routinely do (hesitate, produce inconsistencies etc.) to discredit us".

"It is little wonder that solicitors, barristers, magistrates, judges and court officials show such ignorance when ND has not been included in their training. What can be done?"

Source: Disability Rights Commission focus group, March 2007

b) HOW BEHAVIOUR CAN GIVE RISE TO MISPERCEPTIONS:

- inconsistencies could imply untruthfulness
- failure to grasp the point of the question comes across as 'evasive'
- hesitancy can suggest you are 'unsure about your evidence'
- a lack of eye contact can be mis-interpreted as being 'shifty'
- an over-loud voice can be mis-interpreted as 'aggression'
- sudden verbal abuse could be the panic reaction of someone with Asperger Syndrome

c) HOW WELL PEOPLE COPE DEPENDS ON SEVERAL FACTORS:

- (1) the severity of their symptoms
- (2) the level of underlying intelligence
- (3) the ability to deploy coping strategies
- (4) stress levels – stress has a disproportionate effect on ND people, often rendering them completely dysfunctional by exacerbating symptoms and undermining coping strategies.

PLEASE NOTE

Forensic psychologists often fail to take account of factors relating to Dyslexia, Dyspraxia, Attention Deficit (Hyperactivity) Disorder and Dyscalculia in their reports, conflating them with 'risk' ; this can be misleading.

4 TAKING NEURODIVERGENCE INTO ACCOUNT

1. Awareness Training

Dyslexia and related conditions are very common amongst the offending population. It is therefore desirable that all justice professionals receive some awareness training.

2. Written Communications and Forms

Parole board communications should follow guidelines on accessibility; this good practice will also help to minimise Visual Stress. (See Resource 5, p6)

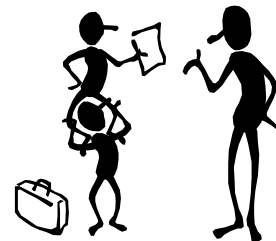
Use short sentences in plain English. Provide a glossary of technical terms.

Use graphics to enhance meaning, as appropriate.

Can you provide an adapted version, also helpful for Foreign Nationals?

Since form filling is generally an area of particular difficulty and anxiety, a completed sample form is most helpful.

Do prisoners know whom to approach for help?



3. Spoken communications: general guidelines

- Give an overview of the topic before going into details
- Break the information into logical sections, with pauses
- Avoid acronyms, jargon and all non-literal language
- Think carefully about how your questions are phrased
- Be aware of a limited attention span and poor working memory

4. Reducing Levels of Stress

- Reassure individuals that it is fine for them to check their understanding at any stage
- Reassure individuals that they can take their time to consider responses
- Inquire whether a break is needed
- Can the environment be modified if the individual suffers from sensory sensitivity?

If a prisoner is not coping with the communication demands of the hearing, consider whether s/he should have an advocate or if further assessment is needed.



FINALLY

Since ND people vary greatly, both in the extent of their difficulties and their ability to compensate, ask each individual what would enable them to manage.

This guidance will also assist other offenders, in particular the large numbers who do not know that they are neurodivergent.

NATIONAL ORGANISATIONS

Attention Deficit Disorder: ADDISS www.addiss.co.uk

British Dyslexia Association www.bdadyslexia.org.uk

Dyspraxia Foundation <https://dyspraxiafoundation.org.uk/adults/dyspraxia-in-adults>

National Autistic Society www.autism.org.uk

RESEARCH www.prisonreformtrust.org.uk.

No One Knows: Learning Difficulties & Learning Disabilities in Prisons (2005 - 2008)

5 Visual Stress and Accessibility of Parole Board materials

People with Dyslexia and Dyspraxia often experience Visual Stress.

Symptoms include:

- a glare from white paper so that text is harder to decipher
- difficulty following along a line of text and frequently losing the place
- the blurring, movement or fading of print
- headaches or eye strain..... **all of which seriously hamper the reading process.**
- some sufferers from **migraine and epilepsy** are similarly affected.

Read Regular is created without copying or mirroring shapes. Therefore the frequency of repeated shapes in a text is decreased. This results in a minimum chance of visual distortions (swirl-effect). The aim is to create interesting typography that will maintain the readers' interest and will prevent them from getting bored or frustrated. Diversity in text knows many variations. We must understand the fact that typography for a novel is different from a magazine or a publication for education. Even so a novel has the potential to be clear and interesting. This can be achieved in any level of creativity, thinking on type size, leading, the amount of words on a sentence and the character/paper combination.

Example of Visual Stress

GOOD PRACTICE on minimising Visual Stress

Research has confirmed that the physical features of text can aggravate Visual Stress. A fundamental way of minimising the problem is to tackle the appearance of text.

The following points of good practice can make a significant difference to readers with Visual Stress. In written communications, aim for the **DO's** and avoid the **DON'Ts**.

DO use the following, where possible:	DON'T use the following:
• adequate spacing	• small fonts (below size 12)
• justify left (leave a ragged right margin)	• more than 2 columns per page
• off-white or tinted paper	• justify down both margins
• selective use of bold and bullet points	• bright white or glossy paper
• diagrams, charts	• WORDS/PHRASES PRINTED IN CAPITALS
• consistent system of pictograms and graphics	• 'fancy' or unusual fonts and italics
• illustrations which enhance meaning	• printing or shading in either red or green (also helpful to colour-blind readers)
Aim for a clear uncluttered appearance	• distracting visuals
	Avoid a busy, over-crowded page

Features which aid comprehension of text:

- aim for a clear text, laid out in a consistent fashion, uncluttered by unnecessary features
- use short sentences; space well between paragraphs
- incorporate clear headings and sub-headings
- boxed summaries are useful
- only use graphics if these underline the textual content
- where appropriate, include icons and pictograms as markers to enable readers to recognise the type of information more easily
- if shading is used, keep it pale and only overprint text in black, not in a colour
- flow-charts are ideal to explain procedures
- diagrams, to accompany text, can aid comprehension
- provide a list of terminology and abbreviations.

Good Practice can make the difference between inaccessibility & good communication.

FURTHER INFORMATION : www.dyslexia-malvern.co.uk/visualstress

5. CASE STUDY Rudi (Romanian)

A Prison Officer describes a prisoner under stress during an oral hearing:

“I'd known Rudi for a bit. He was a clumsy lad, big and all over the place somehow. Anyway he'd got quite wound up about his parole hearing. When he was asked some questions to clarify his index offence, Rudi didn't seem able to answer without striding about the room waving his arms about, as though he had to use his whole body to help the words out.

His English was ok, - he'd been over here quite some time – he was always getting books out of the library.

And I don't know what happened to his volume control! His voice came out very loud and aggressive. He rambled on and on as though he was trying to avoid the question.

Rudi kept staring at these scruffy notes he'd brought in with him but didn't seem to be able to make sense of them. By the end he was almost weeping with frustration. I really felt quite sorry for him.”

The Features of Rudi's behaviour indicate that he could be dyspraxic.

This Case Study is a reminder that Foreign National prisoners may also be neurodivergent, also that this is unlikely to have been picked up.

Ways Forward and Reasonable Adjustments could include:

Measures to help reduce stress at a Parole Hearing (or Adjudication)

- Key questions to be provided to Rudi in advance of the Hearing.
- Rudi should be allowed to bring his Key Worker or someone he regards as supportive.
- Establish an agreed signal to remind Rudi that his voice is getting too loud.
- Reassure him that he can take his time.
- Schedule time for breaks – this will affect the overall time allocated for the hearing.

7. Focus on the defining characteristics of each condition

Characteristics of Attention Deficit Hyperactivity Disorder [ADHD]

ADHD has three major aspects:

Inattention: distractibility, problems remaining focused, failing to pay attention, missing the detail, not realising the consequences of actions or taking account of feedback. People with ADHD may appear bored or indifferent or have become overloaded and ‘switched off’.

Impulsivity: poor inhibition and turn-taking, leading to interrupting and blurting out comments. Chaotic. Erratic and risky behaviour.

Hyperactivity: restless, attention seeking, accident/addiction-prone.

Where there is no hyperactivity, the individual seems dreamy, ‘spaced-out’, rarely on task and lacking in concentration.

Possible Accommodations for ADHD

- Allow for regular breaks to restore concentration. Ask him/her to let you know when it is no longer possible to maintain attention.
- Distractibility might lessen if s/he is allowed to doodle or jot during interactions.
- Try and provide an environment with minimal distractions. Seat the individual away from windows and doors.
- Do not be put off by fidgeting and signs of restlessness. S/he may manage to communicate better if allowed to move around.
- ‘Chunking’ is beneficial, i.e. breaking information up into smaller/shorter sections.

[Medication can help calm excessive mental/physical hyperactivity – an issue for Healthcare. If the prisoner is on medication, has he remembered to take it?]

Characteristics of Dyslexia

- Educational under-achievement.
- Slow reading; even if reading is mastered it is hard to retain content.
- Difficulties with spelling and expressing thoughts in writing.
- Weak listening skills e.g. problems following the argument; inattention.
- Weak speaking skills e.g. poor word retrieval, going off at a tangent.
- Short-term and working memory problems. *SEE Chart on page 3*
- Organisation and time-management are usually affected.
- Poor sequencing skills; everyday sequences never become automatic.
- May suffer from Visual Stress. *SEE page 6*
- Usually has a short attention span; fails to engage if the matter is not of personal interest.

Possible Accommodations for Dyslexia

- When giving information, follow up with precise questions to check important points NOT “Do you understand?”.
- Written communications should conform to good practice in minimising Visual Stress
- During questioning stick to chronological order, where possible. Ask single questions rather than compound ones.
- Be aware that the prisoner’s inconsistency in supplying routine information may be due to dyslexia. Sequencing of events, for example, may be inaccurate.
- In general terms, people with dyslexia find it helpful to be presented with an overview, before going into details.
- Never ask someone who might have dyslexia to read aloud.

Characteristics of Dyspraxia

- Inability to process information rapidly. Clumsiness, very poor handwriting.
- Speech may be unclear and overloud (sounding rude or aggressive).
- Poor social skills: e.g. judging socially acceptable behaviour, misunderstanding situations. May take things literally.
- Weak short term memory, together with poor organisational skills and decision making; difficulty retrieving information 'on the spot'.
- Difficulty managing change, anxiety in unfamiliar situations.
- Poor visual-spatial skills, problems with charts, maps, timetables etc.
- Poor time management: time allocation & recognising the urgency of situations.

Possible Accommodations for Dyspraxia

- Many of the Accommodations for DYSLEXIA apply, but reading is usually less problematic.
- May struggle with over-sensitivity to light and noise.
- Easily distracted, breaks will probably be needed during the session.

Characteristics of Dyscalculia [inability to grasp number concepts]

Dyscalculia affects many areas of everyday life, these include:

- time telling, handling money, budgeting, dealing with finances, using pin numbers and dialling phone numbers
- remembering personal information (such as date of birth, addresses, post codes) and recalling personal numbers such as phone numbers
- reading or recording appointment times and dates correctly

Possible Accommodations for Dyscalculia in written communications

- Where possible words should be used instead of numbers eg 9/3/24 > 9th March 2024.
- Times should be written as am/pm not as 24 hour clock; an accompanying graphic of a clock face showing the corresponding time is very helpful.

Autism is included here, due to its frequent overlap with the previous profiles

Characteristics of (high-functioning) Autism

People with Autism experience difficulties in four key areas:

1. **Poor communication skills**, leading to difficulty understanding instructions or retelling an incident; taking words or phrases too literally.
2. **Impaired social skills**: difficulty understanding socially acceptable behaviour, taking account of the needs of others, 'reading' body language.
3. **Inflexible thinking**: difficulty following procedures, coping with unplanned change; over-reliance on routines.
4. **High levels of stress and anxiety.**

This is often accompanied by unusual behaviours including comfort behaviours. Hyper-sensitivity to touch, taste, noise and/or light is common.

They may find it hard to maintain eye contact. Personal space is important.

An obsessive interest in something/someone may have got them into trouble.

They often lack insight and have an idiosyncratic understanding of the world around them. Despite adequate intelligence, speed of information processing is slow, together with a panic reaction when pushed - this may include verbal or physical over-reaction.

Possible Accommodations for Autism

- Formal interviews are easier to manage if key questions are written and submitted in advance. Answers can then be considered and written down.
- Ask specific closed questions rather than open questions. Avoid abstract concepts, metaphor and nuances.
- Allow regular breaks / 'time out' to recover during any sessions.
- Provide a set of rules for the interaction.
- Take into account that showing empathy and seeing things from someone else's point of view may not be possible.
- Take steps to accommodate any hyper-sensitivity.