SUPPORT FOR NEURODIVERGENCE in PRISONS

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BOOKLET 7

ACCESSIBILITY ISSUES in the context of EQUALITY / DIVERSITY / DISABILITY

The full set of BOOKLETS comprises

1. **Introduction and Resources**
2. **Overview**
3. **Principles of Support**
4. **Support for English/Literacy and Maths/Numeracy**
5. **Support for ICT and Virtual Campus**
6. **Support for Foreign Nationals who may be Neurodivergent**
7. **Neurodivergence in the contexts of Disability / Equality / Diversity / Accessibility**
8. **Work Preparation and Resettlement**

The Resource covers Dyslexia, Dyspraxia, Attention Deficit Hyperactivity Disorder, Dyscalculia and Autism without co-occurring intellectual disability

ALL BOOKLETS are available on www.dyslexia-malvern.co.uk

ACCESSIBILITY ISSUES in the context of DISABILITY / EQUALITY / DIVERSITY

1. Overall Considerations and HMPPS Equalities Framework

2. Equality Legislation

3. Reasonable Adjustments and ND-friendly Approaches

4. Improving 'Accessibility'

5. Other Criminal Justice contexts, including Parole Hearings

1. Overall Considerations and Renewal of the Equalities PSI

Where does neurodivergence fit in considerations of Disability, Equality and Diversity? What entitlements does this give rise to and what provisions are appropriate?

The overall move from the concept of **disability** to the wider issues of **equality and diversity** is now reflected in most aspects of policy. Since 2010, this has been embedded in a key piece of legislation, the Equality Act, and fleshed out in the Public Sector Equality Duty 2011. The earlier Human Rights Act 1998 also includes disability discrimination.

In 2024 His Majesty's Prison and Probation Service (HMPPS) produced *Advancing Equality for Offenders and Children in Custody Policy Framework,* which lays out a comprehensive equality policy with mandatory requirements.
https://assets.publishing.service.gov.uk/media/670fc363366f494ab2e7b9db/advancing-equality-offenders-children-policy-framework.pdf
Section 9 covers **Disability and Reasonable Adjustments** and begins as follows:
Governors, Heads of PDU and staff must ensure that appropriate effort is made to identify whether an offender or child in custody has a mental or physical impairment of any form or a neurodiverse condition such as autism16. Offenders and children in custody must be informed of the benefits of disclosing their disability status, what support can be offered, and that procedures are in place to record this information (both on reception /at induction/at court and subsequently).

There is an emphasis on monitoring and data-driven decision-making; the overall concept is that staff should equalities considerations within their work. There was an intention to 'rethink prison staffing', by which I assume there is an intention to increase the diversity of the workforce at all levels.

Following the neurodiversity initiative across the criminal justice system, Neurodiversity Managers have been employed in all prisons. When not 'fire-fighting', their remit includes staff training. Hopefully this will include a dissemination of ND-friendly approaches, regardless of whether someone's difficulties are regarded as amounting to a disability. This boils down to modifying aspects of delivery to maximise chances of success. Overall, these measures (outlined below in section 3) will not disadvantage the group of learners as a whole but could make a crucial difference to any neurodivergent class members.

2. Equality Legislation

The **Equality Act** is a key piece of legislation, concerned with the rights of people with 'protected characteristics'*;* these include race, gender, age, religion or belief, sexual orientation, pregnancy & maternity – and disability. The definition of disability, first established in the Disability Discrimination Act 1995, persists in the Equality Act:
a person has a disability if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day to day activities.

Since many neurodivergence people always have a *long term* effect, usually *adverse*, the only issue is whether the problems are *substantial.* In my experience, if an ND individual has come to staff's attention due to their difficulties (such as intractable problems gaining literacy) their difficulties are usually *substantial*. Unless other factors explain their difficulties (such as lack of schooling) neurodivergence is a possibility. If assessment confirms this, and the difficulties are substantial, they should be covered by disability provisions. Of course, it is possible that the individual has had no schooling AND is neurodivergent. A factor, common to the prison population, is traumatic head injury which can produce impulsive unruly behaviour .

The provisions of the Equality Act include a requirement to accommodate the needs of people with disabilities, in so far as the accommodations are *reasonable*. These arrangements are referred to as *reasonable adjustments*.

The Equality and Human Rights Commission distinguishes between *reasonable* and *unreasonable adjustments,* providing the following instance of an employee with dyslexia:

> A small manufacturing company usually hands out written copies of all its policies by way of induction to new employees and gives them half a day to read the documentation and to raise any questions with their line manager. If a new employee has dyslexia and the employer arranges for her supervisor to spend a morning with her talking through the relevant policies, this would be an example of a reasonable adjustment.

The Equality Act encompasses **Anticipatory Duties.** Given the high proportion of ND offenders, every prison is bound to contain a significant number of people with these conditions and should therefore plan to accommodate their additional needs.

The **Public Sector Equality Duty 2011** requires 'equality considerations' to be reflected in the design of policies - including internal policies – as well as in the delivery of services, and for these issues to be kept under review. Staff must therefore consider how people with protected characteristics would be affected by their activities, especially if changes are to be introduced. This can be determined via an **Equality Impact Assessment***.*
In addition, public bodies are charged with having due regard to the elimination of discrimination and the advancement of equality of opportunity. It is unclear how this obligation is being discharged in offender settings.

Human Rights legislation: some lawyers maintain that accommodating disabilities is a human right rather than an equality issue but that more challenges are needed, in order to provide a range of precedents in Human Rights legislation.

The Human Rights Act 1998 brought into UK law a number of rights established in the European Convention on Human Rights of 1950. It is worth stressing that the Human Rights Act does not protect people with disabilities from discrimination in all areas of life, it

relates to the enjoyment of those human rights protected by the European Convention of Human Rights. The Convention sets out a general prohibition on discrimination in Article 14, stating that discrimination occurs when you are treated less favourably than another person in a similar situation and that this treatment cannot be objectively and reasonably justified.

3. Reasonable Adjustments and ND-friendly Approaches

The aim of the coverage of legal requirements in this BOOKLET is to ensure staff are aware of their obligations while accepting that they will be doing their best to assist those in their charge without this incentive. When considering what adjustments might be needed, it is helpful to be aware of the legal framework, especially with regard to reasonable adjustments.

The three-part duty to make **reasonable adjustments** is outlined in the Equality Act as follows:

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

What should education and training providers do to comply with this legislation?
A useful checklist is provided in *Supporting adult learners with dyslexia* (NIACE e-guidelines, 9), pp.18,19. The role of 'differentiated learning' is stressed, together with the preparations that practitioners and managers can make to support these learners, for instance *ensuring that tutors can change the background colours in Word and Powerpoint*.

Further examples of reasonable adjustments might include assistive technology such as readback software with headphones, extra time in tests and/or the availability of test papers in alternative formats.

Two different ways of getting to grips with the issues are illustrated below.

In the Education Department of HMP Maidstone a full time member of staff was appointed to ensure appropriate identification of and provision for offenders with specific learning difficulties. All education staff attended 'in house' dyslexia awareness training and some have taken the CfBT *Supporting Dyslexic Learners* course which has an offenders section [*now needs updating*]. A bank of dyslexia-friendly resources, was established.

At HMYOI Rochester, prisoners found to be dyslexic were offered a place on *Touch Type Read and Spell* (TTRS) together with weekly individual tuition with a specialist tutor. Rochester also arranged for an OCN accredited course for a group of staff on supporting the dyslexic learner.

The benefits of ND-friendly approaches

It is now appreciated that features which make for an ND-friendly environment also benefit other people. These approaches increase accessibility overall, improving chances of success for many prisoners both in learning / training and in aspects of daily life.

Kathy describes the devastating experience of attending an IT class.

I did some computing inside but was released before I could get very far so I decided to join an IT class. It was the most embarrassing thing in my adult life. I found it quite hard to keep up and remember what to do from one week to the next. I asked the teacher to jot down the list of the keys I needed to press but he did not give me the list I needed so I tried to keep up by scribbling everything down but he went far too fast. When I asked for help he told me it was quite obvious and logical. I could see nothing obvious or logical about which function keys to press or keeping track of when to click on the right or left side of the mouse. Indeed working out which side of the mouse was right or left took me a few seconds, as I had to look at my watch and wedding ring to work out left or right.

By the third session, I was so lost that I asked the tutor if he would go through everything with me so that I could write down the instructions. I thought no-one would notice cos everyone else seemed to be finishing off ready to go for coffee.
"But it's so obvious," he said in a loud voice which caused everyone to stop and stare, "all you need is some common sense".

I walked out of that class and have never returned to college, I felt so embarrassed. All the memories of the times I had struggled in my childhood came back. It took me days to feel more confident and I would not wish a similar experience on anyone.

The main features of an 'ND-friendly' learning environment

Although focusing principally on aspects of learning, many of the techniques and advice in this section have wider applications. 'Listening to the learner' is flagged up as a key issue in many publications and learner-led research – such as *Time to Learn: Prisoners' Views on Prison Education* (Prison Reform Trust, 2003).

Research has also pointed to the importance of breaking down negative associations with school experiences; this can be fostered by relaxed and informal learning environments, reflecting a more adult status.

We shall consider the following areas: **a) Staff awareness, b) Giving instructions, c) Administrative procedures and induction, d) Providing support in learning, e) Features of learning materials, f) Accreditation and testing.**

a) Staff awareness
When surveyed by the Adult Dyslexia Organisation, adult learners reported that classes / courses which do not show awareness of difficulties and strengths associated with dyslexia were a waste of time and could further damage their confidence. It is therefore important that staff have an awareness of likely problem areas (in line with the Anticipatory Duties of the Equality Act) and can deploy suitable strategies to accommodate them.

ND-friendly approaches
Staff (especially Key Workers) and tutors / trainers require training on neurodivergence in adults - both the difficulties and the strengths - and how these can affect learning, training and everyday life. The **Education and Training Foundation** is one source of support, with many on-line resources. www.etfoundation.co.uk

It is always advisable to **check the database** for a record of an individual's screening or assessment. For example, if someone is **dyspraxic**, it will take them longer to learn

practical tasks, they will be unable to mirror an action demonstrated to them but need it to be shown alongside them. They will also struggle with charts, diagrams and finding their way around.

Individuals with **autism** struggle to cope with unexpected change. It is therefore important to try and give advance notice of any changes, especially to regular routines. The impact of sudden unplanned change can cause considerable distress which may be expressed in ways which lead to disciplinary action. The individual may therefore need to be helped to develop strategies for managing change. In general, information should be provided in advance, as far as possible, to enable decision-making and reduce stress.

Staff should consider the skills required to **participate in an OBP or workshop**, and what *'reasonable adjustments'* or aids could be put in place to enable fuller participation for individuals who have a range of difficulties.

b) Giving instructions

Neurodivergent people often have difficulty retaining long or compound instructions – whether spoken or written. This can result in embarrassment, mistakes, apparent failure to pay attention, along with forgotten passwords and user names when working on-line.

ND-friendly approaches

When giving spoken instructions, break them down into logical blocks rather than giving them all at once.
Reassure the individual that it is fine to come back and check as necessary.

Give positive rather than negative instructions, for instance:

- "Make sure you don't leave your folder in the workshop" becomes:
- *Remember to take your folder back to your cell.*

Refer to operations in order in which they should occur:

- "Don't turn your laptop off before saving your work" becomes:
- *Save your work, before you turn off the laptop off.*

Use specific questions to check that the listener has retained key information, rather than asking "Any questions?"

Use a buddy system where appropriate, so peers can provide discreet support.

Record passwords and user names on a card which can be produced as necessary - while encouraging individuals to use memory aids and association techniques to memorise key codes and information.

Write down all important names, times and addresses for the individual, rather than simply saying them.

Written instructions should be clearly displayed in a clear uncluttered format using numbered short items. Use icons in addition to written descriptors.
Follow guidelines on 'Accessibility' and Minimising Visual Stress (later in this Section).

c) Administrative procedures and induction

Most ND adults dread having to complete forms - especially in front of others.
From canteen forms to various application forms, this is an increasing requirement and will get much worse on release, covering many aspects of life.

In custody, a drive to improve standards had also led to an increase in documentation such as learner contracts and induction paperwork which must usually be completed before the course starts.

ND-friendly approaches
Routinely ask whether help is needed with form-filling and encourage anyone with questions to come back to you, providing privacy if possible.
Provide a completed version of any forms, so this can be followed as a guide, making it easier to see what information is required.

d) Providing support in learning
Support may be needed in a range of learning environments: classes, workshops, open learning, distance learning and private study such as Virtual Campus.



ND-friendly approaches
Aim to ensure an element of early success to build up confidence.

Be prepared to explain terminology (possibly more than once).

Break complex tasks into shorter chunks. Provide opportunities for over-learning and rehearsal, until the new information or skills become automatic

These learners / trainees will probably need more practice than their peers before procedures become automatic.

Check whether their learning program will need customising, for example, in terms of adjusting fore- and background colour on their computer. Individual preferences should be saved so they do not need to be set up anew every session.

Ask an individual how they might wish to approach a task and build in elements of personal choice.

Where possible, encourage flexibility in ways of working so that learners can take breaks and implement coping strategies.

If possible, provide headphones for those who wish to listen to text as they read it, in order to protect privacy and avoid disturbing others.

Allow extra time for tasks requiring reading and writing, offering discreet help such as summarising content in advance.

e) Features of learning materials, forms and notices
The following recommendations relate to paper-based and computer-based learning materials. The issue of learning styles also arises here, as learners will vary considerably.

ND-friendly approaches
Content should be sequential and progress logically from one stage to the next.

Language should be straightforward, concise and non-patronising; children's materials must be avoided at all cost.

Contextualised materials are generally more interesting - as long as learners can relate to them.

Due to different styles of learning, some people prefer a divergent format, such as a mindmap or spidergram, others find a linear format more helpful, incorporating flow charts, bullet points and listed items.

Consistent use of graphics / icons provides a useful marker, enabling readers to anticipate what is coming next and absorb information more easily.

'Accessibility' is a crucial issue, examined in more detail in section 4.

f) Accreditation and testing

Staff must bear in mind that many ND learners become very anxious about taking tests. They will often have had past experiences of failure, and fear that their difficulties will continue to handicap them, as Ed explains:

> I feel I am very disadvantaged if I am given tests or have to complete timed exercises on the computer. I failed my very first exam (about spreadsheets) because I had to copy numbers across and place them in the right column - I kept losing the place and having to start again.
> Now I realise I can have extra time, I ask for it. It means I can go really slowly and not start to panic and make mistakes.

ND-friendly approaches

The following matters should be considered from the start of any course:

- Is there flexibility in the method of accreditation, for students with disabilities?
- Are 'access arrangements' permitted, such as extra time or the use of a reader?

If so, the issue of providing a separate room will arise so the student is not disturbed by the comings and goings of other candidates and does not disturb others if s/he is using the services of a reader.

Unfortunately some courses and qualifications are not ND-friendly. The main complaint from candidates is that they are not examined on what they had expected from the content of the course. An example at the time of writing is *Functional Skills in Numeracy* in which students may have to undertake calculations in vocational areas with which they are unfamiliar.

ND-friendly features of testing include:

- self-checking exercises, which protect self esteem
- tick boxes
- matching exercises (which can draw on the skill of word recognition rather than the more demanding skill of recall)

All the above can be welcome features of digital learning.

It is now established that a multiple choice format does not generally suit ND learners who tend to find it tricky to distinguish between deliberately similar options. Due to limited working memory, they struggle to hold the question in their head while considering the alternative responses. Finally, even if they identify the correct answer, an error may occur when tracking across to the answer grid so the answer is recorded in the wrong place.
All these difficulties are well documented in research literature on neurodivergence.

We owe it to those who have failed first time to do all we can to ensure success.

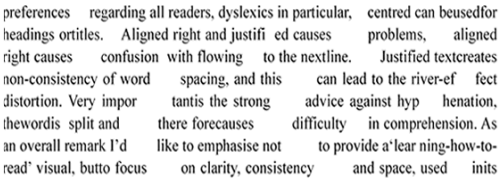
4. Improving 'Accessibility'

This section addresses the physical features of text, concluding with good practice in making oral presentations.

All materials – including forms and notices - should be free from distracting features. They should follow the DO's and DON'Ts summary in the chart below. This should have the effect of **minimising Visual Stress** and being more accessible to all readers.

Summary of Adaptations to Learning Materials, Forms and Notices

DO USE	**DON'T USE:**
adequately sized fonts (at least size 12)	small fonts (below size 12)
good spacing throughout	cramped text
justify left (leave a 'ragged' right margin)	(right) justified or centred text
selective use of bold and bullet points	whole words or phrases IN CAPITALS *this undermines whole word recognition*
pictograms and graphics which enhance meaning, diagrams, charts & flow-charts	'fancy' or unusual fonts and *italics* illustrations which distract the reader
sans serif fonts e.g. Arial, Verdana, Tahoma	text in either red or green - *this is also an issue for colour-blind readers*
any shading should be pale and only overprinted by black text	text indistinguishable due to intense shading
Aim for a clear, uncluttered page	**Avoid busy over-crowded pages/notices**


preferences regarding all readers, dyslexics in particular, centred can beusedfor headings ortitles. Aligned right and justifi ed causes problems, aligned right causes confusion with flowing to the nextline. Justified textcreates non-consistency of word spacing, and this can lead to the river-ef fect distortion. Very impor tantis the strong advice against hyp henation, thewordis split and there forecauses difficulty in comprehension. As an overall remark I'd like to emphasise not to provide a'lear ning-how-to-read' visual, butto focus on clarity, consistency and space, used inits

If text is (right) justified, as in the example, it is harder for the reader to transfer to the next line accurately. In addition, the irregular spacing can be perceived as streams of white, distracting from the words.

Another issue flagged up in the chart is **capitalisation**: when words are all in upper case, the distinctive shape of a word is disguised, disabling people who read by a 'whole word recognition strategy' and who cannot segment or spell out a word.

The following points address overall presentation rather than issues of design and typography. This is followed by accessibility issues for internet/intranet materials.

General Guidance for Digital Text & Written Communications

- ✓ short sentences
- ✓ main points picked out in bold
- ✓ boxed summaries of key information
- ✓ lists, such as 'Do's and Don'ts' rather than large blocks of continuous text
- ✓ glossary of terms & abbreviations provided at the start of each section.

Web-based materials: issues of accessibility

Modifying web-based/intranet content by applying good practice principles may not be possible – but it is still useful to be aware of the following 'accessibility' features:

- A clear site map, to provide an overview of content

- Consistent navigation tools
- Any large blocks of information divided into manageable sections
- The target/destination of each link clearly identified by a highlighted label
- Language which is clear and straightforward
- Multimedia presentations to include an audio description of any important written information
- Interactive content compatible with assistive technology (such as screen readers)
- If a page cannot be made accessible, a link should be provided to an alternative page that has equivalent information

Further information on the topic of Visual Stress, along with a range of checklists, is freely available on www.dyslexia-malvern.co.uk/visualstress



Making a presentation accessible
This area is particularly relevant for Induction and Resettlement staff, Information Advice & Guidance personnel and Trainers.

When making an oral presentation, the following aspects of good practice should be taken into account:

- make the presentation multisensory i.e. spoken information should be reinforced by visual input and, if possible, a participatory element
- use graphics as well as words on slides and handouts
- use a dyslexia-friendly font such as Arial, 12 point (minimum) for handouts and as large as possible for slides
- 'chunk' the information, i.e. give a bit at a time, then summarise or check with questions before continuing
- keep it relevant - use a case study they can identify with
- invite queries as you go along rather than at the end
- draw on any experience from within your audience in order to involve them
- don't rush; give your listeners time to take in what you are presenting to them.

If the oral information relates to any follow-up activity, such as contacting sources of support, these should be provided on a simple handout.

A wider perspective, in which 'promoting accessibility' is set in the context of prisoners with a range of vulnerabilities, is presented at the end of BOOKLET 1.



4. Criminal Justice contexts, including Parole Hearings

The various stages of the criminal justice system, from questioning by police, legal interviews and court processes through to parole hearings and compliance on community programmes, all present challenges to ND offenders due to their communication, short term/working memory and organisational difficulties.

Often a bad situation is exacerbated by misunderstandings, failure of memory and loss of concentration at vital points. In most cases, an ND individual should be regarded as vulnerable and be eligible for support personnel such as **Appropriate Adults**, and in more severe cases, a **Registered Intermediary**.

The following section looks at the particular challenges of the parole hearing. However many of these considerations are also relevant to other formal procedures, such as adjudications.

Prior to a **parole hearing**, prisoners have the opportunity to go through all the documentation in advance (with the probable exception of the victim statement). This is a challenge for anyone with poor literacy and/or dyslexia and help may be required. If the individual strongly disagrees with any of the reports in the dossier they must immediately contact their legal representative but may still struggle to put their points across.

At an oral hearing, the Parole Board can choose to question prisoners on any aspects of their reports, also allowing them a slot to speak at the end. This may not work so well for ND participants who will have become mentally overloaded by the end of a long and demanding session.

My question to the Parole Board on this matter elicited the example of a prisoner who, aware that he would find himself in this situation, wrote to the Board asking if he could make a statement at the start. This was agreed and did not affect his right to speak at the end of the session. However, it is essential to make this request in advance in a letter to the Board (giving reasons) and not to expect to be able to change the expected procedure on the day.

During the hearing, it is usual for prisoners to make their remarks and responses via their representative, consulting with them as often as is necessary. It is also possible to request breaks; people affected by neurodivergence are advised to avail themselves of this provision.

Regarding the criminal justice system as a whole, it is not always clear what is the most appropriate provision for those disadvantaged by neurodivergence at the various stages. This gives rise to a number of considerations, namely:

Which term is the most helpful: 'disabled' or 'vulnerable'?

Which entitlement is appropriate: 'special measures' or 'reasonable adjustments'?

Is it a disability or equality issue? Or is it a matter of 'accessibility'?

The voices that are often missing in these considerations are those of the neurodivergent population within the criminal justice system, who should therefore be encouraged and enabled to articulate their needs and preferences.