

## **Prison Reform Trust response to the Department of Health and Social Care's consultation on learning disability and autism training for health and care staff – April 2019**

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group and has an advice and information service for people in prison.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families
- promote equality and human rights in the criminal justice system.

[www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk)

### **Introduction**

The Prison Reform Trust welcomes the opportunity to provide evidence to this consultation. We have chosen to focus our response on the experience of people with learning disability and autism caught up in the criminal justice system, responding to those questions where we can most usefully contribute.

- 1. We have envisaged three main elements to learning disability and autism training: understanding learning disability and autism, legislation and rights, and making reasonable adjustments: do you agree? Should other elements be included?**

It would be useful to also include implications for daily living. We are especially concerned about individuals caught up in the criminal justice system, and implications, legislation and rights – as they relate to the criminal justice system (police, court, probation services and prison) should also be included for health and social care professionals and practitioners working in these areas.

- 2. Do you agree that awareness of how the Mental Capacity Act impacts on the way in which support is provided needs to be a significant part of training for all staff?**

Yes

**3. Are there additional elements which need to be covered by training on awareness of autism and the needs of autistic people?**

Individuals with learning disabilities and/or autism should be included as co-trainers.

**5. We propose that individual employers should assess which level of training staff need and ensure that they get it. Do you agree?**

No, we do not agree. We would be concerned about individual employers making decisions as this will lead to inconsistency of practice – especially where there is a mix of private and public employers involved. It is clearly important for local need to be taken into consideration; however, guidance should be given, especially for front line professionals and practitioners who are likely to encounter people with learning disabilities and/or autism in their daily work without knowing in advance that the person has such disabilities. Guidance and minimum standards should be developed and applied for health and social care professionals and practitioners working across the criminal justice system (police, court, probation services and prison).

**6. What support might employers need in determining the appropriate level of training for a member of staff - e.g. a more detailed tool for assessment?**

As for Q5, above. Standardised screening and assessment tools would be extremely useful.

**7. We do not propose that all staff should have face to face training; just those with roles which mean they will be in regular contact with people with a learning disability or autistic people in Tiers 2 and 3. Do you agree?**

No, we do not agree.

Around 2.5% of the general population (children and adults) has learning disabilities. However, the administrative prevalence (i.e. the number of individuals known to services as having learning disabilities) drops significantly to around 0.6% among adults aged 20-29 years (Emerson et al. 2012) – with the remaining four-fifths often described as a ‘hidden majority’. See also Public Health England (2016:13-14).

Recognising when a person may have learning disabilities and/or autism is extremely important in helping to ensure individuals gets the necessary support. For example, a person accessing drug and alcohol services may also have learning disabilities and/or autism but the staff working in these services, if Q7 is followed, are unlikely to have undertaken training.

For individuals in contact with criminal justice services, it is especially important that all frontline health and social care practitioners and professionals undertake training. This will enable them to recognise learning disabilities and/or autism and ensure that screening and, where necessary, assessments are undertaken. This in turn will inform criminal justice personnel and help facilitate necessary adjustments to enable individuals to participate effectively in criminal justice proceedings, including their right to a fair trial.

Health and social care professionals and practitioners working in prison have an especially important role to play in ensuring that prisoners with learning disabilities

and/or autism are identified on entry into prison (reception) – including assessment for eligible social care needs (Care Act 2014).

Although the prison service is responsible for ensuring adapted prison regimes, including personalised adjustments that fall outside eligible social care needs, cooperative working between health and social care practitioners and professionals and prison staff will help to ensure that individual prisoners receive the necessary support and are safe from harm while in custody.

Evidence shows that prisoners with learning disabilities and learning difficulties are almost three times as likely to have clinically significant anxiety or depression as other prisoners; are five times as likely to have been subject to control and restraint techniques, and three times as likely to have spent time in segregation. The same research found that around half said they had been bullied and that other people in prison had been nasty to them (Talbot 2008).

The 'harms' of imprisonment for individuals with learning disabilities and/or autism are significantly greater than for prisoners without such disabilities. It is essential, therefore, that all health and social care practitioners and professionals who work in prison and do 'in-reach' into prison undertaken learning disability and autism training.

**9. We propose that a common curriculum for the content of training in learning disability and autism for health and social care staff should be developed which could inform implementation of professional standards. Do you agree?**

Yes

**11. What best practice are you aware of in delivering training on learning disability or autism?**

We suggest you contact the National Autistic Society (Clare Hughes) and KeyRing Living Support Network (Tracy Hammond).

**13. How quickly after taking up a post should new members of staff who have not previously received training have to complete training?**

Training should be undertaken during the induction period and have been satisfactorily completed by the end of the probation period.

**14. What are the barriers to involving people with a learning disability or autistic people in delivering training as proposed?**

There are no barriers other than those created by individuals and organisations responsible for delivering the training.

**15. What support or advice might be needed for people on how to best involve people with a learning disability or autistic people in developing training?**

We suggest you ask this question of individuals with learning disabilities and/or autism. You may also speak to those organisations that successfully work with individuals with such disabilities.

**21. We envisage that CQC and Ofsted inspections can provide a robust means of ensuring mandatory learning disability and autism training is happening? Do you agree?**

Criminal Justice Inspectorates could carry out inspections relating to police or other custodial settings.