

How to spot signs that a person has a learning disability

What this is about

This fact sheet has been written to support frontline staff working in the criminal justice system. There is often confusion between learning disabilities and learning difficulties. In UK government policy a learning disability is usually defined as:

- a significantly reduced ability to understand complex information or learn new skills (impaired intelligence), together with
- a reduced ability to cope independently (impaired social functioning)
- that started before adulthood (18 years of age), and has a lasting effect.

Sometimes you will see 'intellectual disability' used instead. Having a learning disability means that people find it harder to learn certain life skills. The problems experienced vary greatly from person to person, but may include learning new things, communication, managing money, reading, writing, or personal care. Some people are born with a disability, whereas others may develop one as a result of an accident or illness in childhood.

Within the criminal justice system you are more likely to come into contact with people with mild to moderate learning disabilities, who are usually able to talk and may be living independently or with minimal support. Sometimes people appear more able than they really are. For example, they may talk and sound quite streetwise, but have difficulty understanding what you say.

What is the difference between a learning disability and a learning difficulty?

Sometimes people use the terms 'learning difficulties' and 'learning disabilities' to mean the same thing, or without checking whether you both mean the same condition. In general, a learning disability is a condition that affects learning and intelligence across all areas of life. A learning difficulty is a condition that makes specific forms of learning difficult, but does not affect the overall intelligence of an individual. For example, Down's syndrome is a learning disability, whereas dyslexia is a learning difficulty. Dyslexia only affects the processing of information (usually problems with reading, writing and organising information).

Ways of identifying a person with a learning disability

In the area where you work there may be specific tools used to identify people who may have a learning disability or a learning difficulty. For example, some services use the Learning Disability Screening Questionnaire (LDSQ) or the Hidden Disabilities Questionnaire. Some of these can be used by anyone who has had the short training required. There are also tools that are used by people who have had particular professional training. However, if you don't have access to such questionnaires, you may pick up cues in the way people behave or communicate to indicate they may experience difficulties in:

- Expressing what happened and the order of events (if involved in a crime)
- Understanding what is happening – they may not follow instructions or understand conversations
- Remembering who they have spoken to about an incident
- Keeping to appointments

- Following their bail conditions
- Focusing their attention on the particular issue you are meeting about - they may want to talk about something else that is worrying them
- Remembering their date of birth or address
- Controlling their anger and other emotions, so they may fly off the handle quickly or get upset about something you think isn't very important.

For more information about these indicators see the 'Further information' section at the end of the fact sheet.

If you suspect someone has a learning disability, there are some questions you may want to ask, in a sensitive manner to elicit such information. They include:

- Do you need help to complete forms or with reading?
- What school did you go to? (This may indicate if the school was a special school).
- Did you receive extra help at school?
- Do you work – if so, what do you do?
- Can you tell me where you live and who you live with? (This can tell us if the person lives alone, lives with their family or in supported accommodation with staff helping them).
- Do you get help to support you with looking after your home – shopping, cooking, paying bills?
- Are you in contact with someone like a nurse, doctor or psychologist?

If you would like to find out what support may be available to people with learning disabilities please refer to our fact sheet on 'Finding out about other services that may help'.

Further information

Dept. of Health 2011 – **Positive practice positive outcomes**. This is a practical handbook for staff working with people with learning disabilities in the criminal justice system.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216318/dh_124744.pdf

The Advocates Gateway has a short guide about **how to identify vulnerable witnesses**.

<http://www.theadvocatesgateway.org/images/toolkits/4planningtoquestionsomeonewithalearningdisability141215.pdf>

The Advocates Gateway has a short guide about **how to question someone with a learning disability**.

<http://www.theadvocatesgateway.org/images/toolkits/4planningtoquestionsomeonewithalearningdisability141215.pdf>

The Advocates Gateway has a short guide about **how to question someone with autism**.

<http://www.theadvocatesgateway.org/images/toolkits/3AUTISM211013.pdf>

This is part of a series of fact sheets for people working in the criminal justice system. They are how to spot signs that a person has a learning disability; finding out about other services that may help; communication; making information easier to read; making appointments; making decisions; useful information and resources. To download these or for more information see:

<http://www.learningdisabilities.org.uk/our-work/rights-equality/criminal-justice-system/>



**foundation for
people with
learning disabilities**

www.learningdisabilities.org.uk