

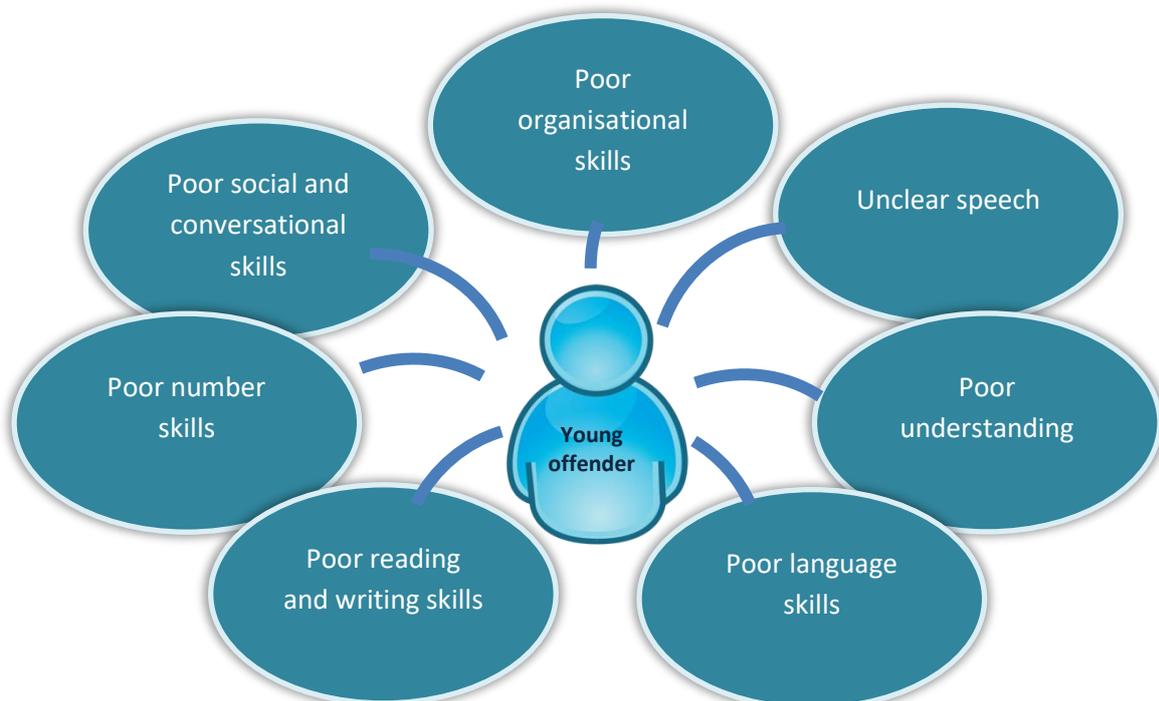


IASLT IASLT – CONSULTATION ON THE DEVELOPMENT OF A YOUTH JUSTICE STRATEGY.

The Irish Association of Speech and Language Therapists (IASLT) welcomes the opportunity to contribute to the development of a new Youth Justice Strategy for 2020-2026. IASLT has been alarmed at the absence of recognition of the impact of communication disorders across every level of the judicial process. It has long highlighted the neglect of provision of communication supports (speech, language and cognitive communication skills) across the Criminal Justice System (CJS) as the high incidence of speech, language and communication needs among offenders is consistently borne out by the research.

In order to effectively serve the needs of children and young people with speech, language and communication needs within the criminal justice system:

- The high levels of clinical expertise within the SLT profession must be utilised to provide oversight at governance and policy level.
- The high levels of clinical expertise within the SLT profession must be utilised when developing services for children and young people.
- The high levels of clinical expertise within the SLT profession must be utilised to create change and build capacity within the criminal justice system.



"..... some 80% of young offenders reoffend: they go through the revolving door of the criminal justice system over and over again. We also know from a vast literature of published evidence of academic expertise that a lack of education and the inability to communicate are risk factors in reoffending. People in the situation that I have just described are less likely to obtain a qualification, less likely to land a job and less likely to find a home; conversely, they are more likely to suffer emotional and behavioural problems, more likely to experience mental health challenges, and more likely to commit, or to go on to recommit, crime."

Bercow (2008)

How Speech, Language and Communication Needs contribute to offending:

- Greater difficulties "reading" people & situations – may respond inappropriately and have reduced supportive family/peer relationships.
- Low self-esteem - more vulnerable to grooming/ more easily influenced.
- Reduced employability due to poor education attainment and literacy difficulties.
- Mal-adaptive ways of regulating emotions stemming from communication frustration.
- Reduced ability to understand the vocabulary; word meanings may be unfamiliar (e.g. relating to potential consequences of their actions)
- Information processing difficulties where they may not follow lengthy pieces of information.
- Reduced ability to think things through: figure out through language or reasoning how a sequence of events might play out where psycholinguistic skills may be selectively impaired.

How SLT benefits people within the CJS:

International governing bodies within the profession of Speech and Language Therapy (SLT) acknowledge that SLT benefits people within the Criminal Justice System (CJS) in the following ways:

- identification and assessment of speech, language and communication needs.
- identification and assessment of Specific Learning Difficulties (SLD's) / Dyslexia
- supporting all aspects of communication and dysphagia
- supporting access to information
- supporting a person to engage meaningfully in the prison system
- supporting social and family relationships
- supporting a person during interview
- improving competency to stand trial
- supporting restorative justice
- education and training for people working within the CJS

The core of speech & language therapy work is to ensure communication needs are met, as key to safe and effective justice. Every step of the CJS demands good listening and effective responding: from being questioned by Gardaí, talking to a solicitor or barrister or youth advocate, being part of a family conference, a court hearing, and any probational or rehabilitation processes. Effective solutions must include consideration of communication needs that can result in unjust barriers to participation in the judicial processes.

It is acknowledged internationally that around 80% of the prison population have speech, language and communication needs. There is also a significant co-morbidity with Dyslexia ASD, ADHD, Mental Health, Intellectual Disability and Acquired Brain Injury, all of which present with unique communication support needs (Hughes et al 2017). Research is also uncovering false sentencing, recidivism in youth and into adulthood, where underlying communication difficulties were not identified to ensure accurate & reliable understanding/responding.

The educational charity ICAN estimates that the lifetime cost of the failure to treat communication disorders is of the magnitude of £26 billion.

“The problem is simply stated: more than 60 % of the 11,000-plus young offenders in institutions today lack the communication skills to engage effectively and profitably with educational programmes, with courses in behaviour and anger management, and with initiatives designed to enhance their thinking skills”. (RCSLT 2017)

With this growing body of compelling evidence, provision for SLT across the CJS needs to be mandated within the Youth justice strategy, as there is no official provision for Speech and Language Therapists specifically within the CJS.

Background Evidence

It is acknowledged that there is a high incidence of Speech, Language and Communication Needs within the offending population (RCSLT 2017).

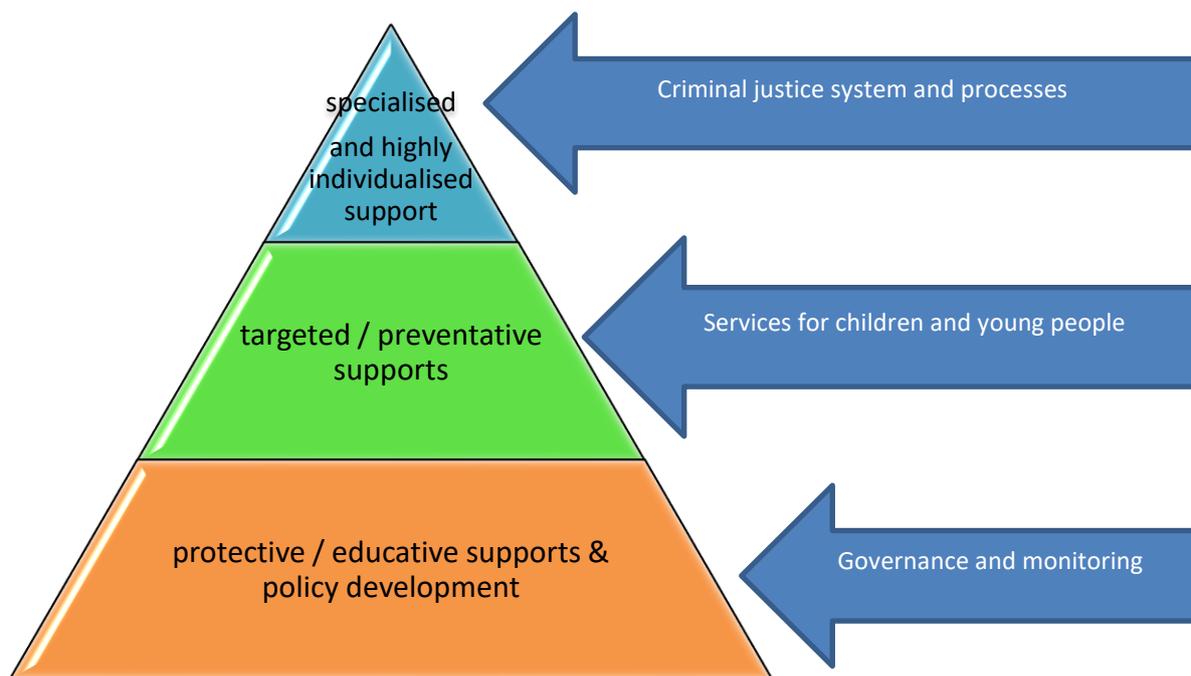
Children and young people:	Adult offenders:
<ul style="list-style-type: none">• 66-90% of young offenders have low language skills.• 29% of young offenders have difficulties with literacy and numeracy• 46% of young offenders are under-achieving at school• 88% of boys and 74% of girls in custody have been excluded previously from school.• Over 60% of children facing school exclusion have Speech, Language and Communication Needs• 66% of 7-14 year olds with communication difficulties have additional behavioural concerns.• Up to 70% of children from areas of social deprivation can have speech and language difficulties on starting primary school.	<ul style="list-style-type: none">• 80% of adult prisoners have Speech, Language and Communication Needs (44% of female prisoners)• 40% of offenders have difficulty/are unable to benefit from anger management/drug rehab courses as they are delivered verbally.• 20-30% of prison population have an intellectual disability (ID)• 80% have Speech, Language and Communication Needs• 27% have mental health difficulties• 25% have suffered a traumatic brain injury• 25-50% have dyslexia

We know that the impact of Speech, Language and Communication Needs on children/young people is significant and is more prevalent in the offending population than in the general population.

- Children/young people with Speech, Language and Communication Needs are at a higher safeguarding risk as they are unable to accurately report abuse and neglect.
- Children/young people with Speech, Language and Communication Needs are also more likely to have difficulties with academic attainment and more likely to drop out of school and be labelled as 'failures'.
- Children/young people with Speech, Language and Communication Needs are more likely to cover up communication difficulties with acting out or inappropriate behaviour rather than risk being judged as stupid. Speech, Language and Communication Needs are often viewed as "behavioural" issues.

- Children/young people with Speech, Language and Communication Needs are more likely to have difficulties with interaction and interpersonal skills.
- Children/young people with Speech, Language and Communication Needs are more likely to be socially isolated, leading to mental health difficulties (e.g. anxiety & depression).
- Speech, language and communication Needs can exist in isolation or in conjunction with an additional disability (e.g. ASD, intellectual disability, ADHD, dyslexia, traumatic brain injury, mental health etc). This co-morbidity adds to SLCN complexity.

The 3 thematic areas of the Youth Justice Strategy are in keeping with current models of SLT service provision. Speech and Language Therapists provide tiered levels of support of increasing intensity, as appropriate to the needs of the person, ranging from proactive/protective guidance to highly specialised & personalised supports.



There are 3 key areas urgently needing to be developed and fully funded.

SLT is intrinsic to:

Governance Monitoring Support

- the declared aim for research, data collection and the best collective use of research capabilities.
- targeted pilot research into the current status of Speech, Language and Communication Needs in Ireland in this population.
- an evidence base for the continuing development of Irish youth justice policy / practice.
- ongoing capacity-building with CJS.
- training professionals involved in the criminal justice system, Garda National Bureau of Youth Diversion and youth justice workers.

Services for children & young people

- the declared aim for promoting and encouraging specialisation and training specifically working across the youth justice service and processes.
- a dedicated multidisciplinary clinical and educational team.
- a collaborative approach to service delivery.
- skill training, compensatory strategies, communication modifications or supports and education/training for key stakeholders.
- ensuring a 'just' justice system

Criminal Justice System and Processes:

- policy development for speech and language and communication needs in the CJS (ranging from proactive/protective guidance to highly specialised & personalised supports).
- targeted / preventative supports for children & youth
- pilot initiatives on those who may be disproportionately represented in the Youth Justice system (e.g. speech, language and communication needs, hidden disabilities, etc.)

1. GOVERNANCE MONITORING AND SUPPORT

Given the high incidence of Speech, Language and Communication Needs within the CJS, it is essential that any policy is informed by specialist expertise in the area of speech, language and communication. As SLTs work across a wide variety of contexts that feed into the CJS (e.g. primary care, disability services, mental health, schools, etc) they are uniquely placed to provide the oversight required to inform practice and align youth justice policy to other policies within social care, mental health and education.



Given the stark evidence of Speech, Language

and Communication Needs within CJS, the expertise of SLT at policy / governance level is essential in supporting greater understanding of:

- how Speech, Language and Communication Needs impact on children and young people and contribute to offending behaviours.
- how Speech, Language and Communication Needs impact on a person's ability to engage with the CJS and access justice.
- how best to hear the voice of a person with Speech, Language and Communication Needs and support their participation in programme development.
- the different co-morbidities / hidden disabilities that can exist and how they add to the complexity of a person's Speech, Language and Communication Needs.
- how best practice in supporting people with Speech, Language and Communication Needs, both preventatively and reactively (including diversion).
- best practice in engaging and supporting families (who may themselves have Speech, Language and Communication Needs).
- how best practice in engaging with schools and reducing school refusal.
- the training needs of professionals working across all areas of the CJS (e.g. Gardai, youth justice workers, probation service, prison staff, court staff, legal professionals, etc).
- how to ensure that Speech, Language and Communication Needs are effectively incorporated into research, pilot initiatives, programme development, etc.

2. Services for children and young people.

SLTs are employed across a wide variety of services (public & private), providing expertise in a wide variety of clinical contexts:

- Primary care
- Disability services
- CAMHS
- Hospital settings
- Rehabilitation settings (e.g. ABI)
- Preschools & schools
- Tusla
- Juvenile detention centres



Collaborative working is often difficult to achieve due to different funding streams and resourcing issues, therefore any initiative that supports enhanced collaboration for children and young people in the context of criminal justice is very welcome. Given the extensive network of SLTs across all sectors, they are uniquely placed to support and enhance targeted, collaborative practice in the context of criminal justice.



SLTs are skilled in the provision of person-centred programmes and are at the coalface of frontline services. They are already working with vulnerable children/young people and their families and have unique understanding of the impact on Speech, Language and Communication Needs as they may contribute to offending behaviour.

SLTs already see how services can be inaccessible for children/young people due to their Speech, Language and Communication Needs and how this increases disadvantage. SLT expertise supports children/young people to be heard and better understood, therefore maximising the effectiveness of programmes/services.



SLTs are already working in schools and are aware of the impact of disadvantage and Speech, Language and Communication Needs on academic attainment and school refusal, which itself increases the risk of engagement in offending. The support of an SLT assists a child/young person to remain in school and engage in education. Engagement in & access to leisure/developmental activities can also be supported by SLT to increase diversion from offending.

Gardai do not receive specific training in Speech, Language and Communication Needs, Intellectual disability, hidden disabilities, etc. They are committed to diverting young people from offending but do not have specific tools to identify Speech, Language and Communication Needs. While collaboration by SLTs with Gardai has occurred locally in silos, there is a need for more coordinated, cross-divisional training and access to SLT expertise, so that Gardai can develop enhanced skills in supporting interactions with young people and divert them from offending. SLTs are uniquely placed to support Gardai to identify Speech, Language and Communication Needs, support interviewing of vulnerable children/young people, contribute to the development of programmes/policies and ensure the voice of the child/young person is heard.



Children in detention also require accommodations to minimise the effect of Speech, Language and Communication Needs. Access to SLT has been shown to result in the following outcomes (Heritage et al 2011)

- early identification of Speech, Language and Communication Needs
- improved language and educational outcomes
- increased oral communication
- reduced reoffending
- reduced risk of behavioural problems
- improved staff knowledge and capacity to support people



- culture change
- improved working practices
- reduced contact with CJS

Furthermore, children/young people with Speech, Language and Communication Needs require support to engage in post-detention planning and engagement with services in the community. SLT can ensure that accommodations are made to ensure that (McNamee et al 2017):

- their voice is heard & their input is facilitated.
- their Speech, Language and Communication Needs are understood & their impact considered in planning.
- their family is supported to maximise success for the child/young person on return to community life.
- the child/young person fully understands the terms of their release and is supported to comply with them
- the person is supported to engage in aftercare services.
- the child/young person is supported to return to education or engage in employment.
- recidivism is reduced.



3. CJS & processes.

In January 2020, the Irish Penal Reform Trust launched a report which examined the experiences of people with disabilities in Irish prisons. The project focused on experiences relating to accessibility, rights, non-discrimination, identification of disability, privacy and prison rules/discipline/regimes.

The report found that prisoners with disabilities face significant difficulties in navigating the prison system and daily prison life, due to:



- lack of identification and understanding about their disability and communication support needs
- limited adaptations to support their understanding of information and prison systems
- inflexibility of the system to adapt to their communication needs.
- limited access to health & clinical supports
- difficulties building relationships and interacting with fellow prisoners and staff

These difficulties are not restricted to detention settings – the justice system is widely acknowledged to be inaccessible to people with communication difficulties, from legal jargon,

to a lack of awareness of Speech, Language and Communication Needs, to difficulties in accessing the system and a lack of flexibility in the processes involved (Snow 2019). A roundtable discussion organised by the ICJDN (November 2018) widely reported difficulties regarding Speech, Language and Communication Needs and the need for training, capacity building and culture change within the CJS.

SLTs have the expertise to:

- ensure specialised representation for people with Speech, Language and Communication Needs
- support the person to advocate for themselves and to advocate for the person
- build capacity within the legal profession & wider CJS.
- support a person to consent
- support a person to engage with services
- ensure information is accessible to the person
- support understanding of processes
- inform practice by supporting accommodations for Speech, Language and Communication Needs
- support a person to comply with probation and support the service to accommodate to Speech, Language and Communication Needs.
- provide specialised training re: Speech, Language and Communication Needs, disability, mental health, etc
- support a person to engage in restorative justice
- support & inform monitoring systems to ensure that Speech, Language and Communication Needs are reported
- bridge the transition from children’s services to adult services.



“IASLT holds that at present every Irish citizen with a significant communication disability is highly vulnerable to being excluded from due process” (IASLT 2019).

Currently, there is no official provision for Speech and Language Therapists specifically within the Irish CJS. SLT is crucial to reform with the CJS and as a profession, has a growing base of evidence to support multifaceted needs within the criminal justice community. IASLT strongly recommends that Ireland adopts best international evidenced based practice. To achieve this, specifically trained and experienced SLTs need to be part of a multidisciplinary clinical and educational team working across the CJS system.



“For me, a key priority is prevention and early intervention. I can’t stress enough the importance of bringing all the relevant agencies and programmes together, including schools, to ensure that we provide a holistic, ‘wrap around’ response to the needs of children and young people at risk in the specific family and community context. And, ideally, we should be engaging young people at risk before they enter the justice system”.

Draft Youth Justice Policy (p 1)

Given the proliferation of Speech, Language and Communication Needs in young offenders, the profession of SLT must be an integral part of strategy development at all levels.

June 2020 - prepared for council by:

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