Justice Committee

Speech, language and communication needs of children and young offenders in the criminal justice system

Letter from the Convener to the Cabinet Secretary for Justice

At its meeting on 19 June, the Committee agreed to invite you to respond to issues arising from a round-table evidence session on 22 May in relation to the speech, language and communication needs (SLCN) of children and young offenders who are in the criminal justice system. This session was prompted by a request from the Royal College of Speech and Language Therapists that we hold an inquiry into this and other related matters. While we were unable to commit the time required to conduct such an inquiry, we agreed to explore the matter by way of a round-table session, with a view to informing future work.

The following organisations participated in the session on 22 May:

- Children 1st
- Cornerstone
- Families Outside
- Law Society of Scotland
- National Joint Investigative Interviewing Tutors Forum
- Royal College of Speech and Language Therapists
- Violence Reduction Unit

The Committee would welcome the Cabinet Secretary’s views on the issues raised by witnesses during this session, which are outlined below.

General
- The Committee heard that there should be an expectation amongst criminal justice professionals that most children and young people suspected of a crime will have what some witnesses described as ‘a poverty of language’. Standard training should be provided to allow criminal justice professionals to adapt their own communication skills accordingly and to “bring out the voice of people with such needs”.

The police
- Some witnesses highlighted that concealment, where people hide their difficulties in order to cope, is common, particularly when people are arrested. Often those with SLCN do not understand what they are accused of and will accept charges brought against them purely to end questioning.
- Others suggested that the police may require further training to identify situations where an appropriate adult should be appointed.
- Some witnesses argued that identifying those who have a clinical need from those for whom such behaviour is normal can be difficult for the police, particularly as they come into contact with large numbers of people over short periods of time. It was argued that more training for the police and investigative interviewing officers may be needed in speaking with children and young people and trying to elicit information from them.
Courts
- Witnesses argued that the documents issued to the accused by the courts should be accessible to those with SLCN so that they know where to go to and when, why, and also what will happen during the court process.
- The Committee heard that awareness-raising in courts and amongst the legal profession was required to ensure they knew when to apply for the special measures available for the accused, such as giving evidence with a supporter sitting next to them or via closed circuit television.
- It was argued that young people can become overwhelmed by the formality and complexity of language used in a court setting and may be unable to provide necessary information and be misrepresented as uncooperative.

Prisons
- It was highlighted that people in custody with SLCN who were required to go through offending behaviour or anger management courses often preferred to say they were not interested rather than say that they were unable to follow them. Dr Nancy Loucks from Families Outside told the Committee that there was evidence to suggest that some people in this situation were being released later because they did not go through the programmes that were required for parole.
- The Committee heard from witnesses that the Scottish Prison Service was not inclined at this time to roll out the dedicated speech and language therapy service provided at YOI Polmont to other prisons.

Reducing reoffending
- The Committee heard that there was evidence from a number of services in England in which speech and language therapists have worked within young offender teams, as well as in young offender institutions, that people have been diverted from crime. Statistics from a study in 2006 that showed recidivism was reduced by as much as 50 per cent were highlighted during the evidence session.

The Committee also heard from witnesses that the Scottish Government’s National Youth Advisory Group is examining the provision of support for young offenders in the criminal justice system. We would therefore welcome further details of this initiative.

I would be grateful for your response by Monday 27 August.

Christine Grahame MSP
Convener, Justice Committee
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