

Submitted to Justice Bill

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Introduction

What is your name?

Name:

Ruth Sedgewick

What is your email address?

Email:

If you are providing a submission on behalf of an organisation or business, please state its name.

Organisation:

RCSLT

The Committee for Justice has agreed to publish all responses as part of the survey results. If you would like to have your survey results anonymised and for us not to publish your name or organisation, please indicate so here.

I am content for my information, including details of my name and organisation, to be published in the survey results.

Clause 4: Duties of a custody officer after charge

Do you agree that a custody officer should take into account a juvenile's age, maturity, needs and their capacity to understand and comply with any conditions of bail before making a decision to grant bail or not?

Yes

Please provide information to support your answer here::

With specific regard to point (e) (ii)

Speech, language and communication needs (SLCN) are more prevalent in the prison population and people in contact with youth justice services, than the general population (RCSLT, 2017).

Up to 60% of young people in the youth justice estate have communication difficulties with 46-47% of these in the poor or very poor range. Many of these individuals have experienced poverty and adverse childhood experiences (Bryan et al, 2007). As outlined in the 2019 'Improving healthcare in criminal Justice Strategy', the RCSLT and YJA study in the Lisburn area (2012) carried out 147 screening assessments in six months and found 54% of young people had some speech, language and communication need (79 clients). Of those, 78% could probably have had their needs met by a suitably trained CJS professional and 22% likely needed a specialist SLT (17 clients).

There is also now substantial evidence through the evaluation of the Registered Intermediary scheme in Northern Ireland that significant numbers of individuals, including many children and young people, in the justice system require support with their communication (Dept of Justice, 2015 & RCSLT, 2017).

When thinking about how most people will recognise speech, language and communication needs, they will likely imagine unclear speech sounds, a stammer or perhaps social communication differences such as a lack of eye contact. There is less awareness about language difficulties and how they may present. Language is the ability to understand and process what is being said to and around you as well as the ability to construct and express your response. A person's speech may sound 'typical' but they may have underlying difficulties understanding or expressing themselves or even have a diagnosis of DLD*.

There is specific vocabulary associated with the justice system, most of which are abstract words, for example - perpetrator, allegation, remorse. These terms would even be difficult for a child without language difficulties to understand. It is therefore important to ensure that those being questioned or indeed being told anything, are able to fully comprehend what is being said. We need to ensure that all justice professionals around the child or young person are aware of how to identify likely issues and how to adjust their language and ensure all information is accessible.

*DLD = Developmental Language Disorder is a lifelong condition characterised by significant and persistent impairment in the understanding and use of language, which results in a significant impact on everyday functioning (Bishop et al., 2016).

In a study of 145 young offenders recruited through the youth justice service, three in five were found to have DLD and none had been diagnosed before the study (NIHR,2021). If young people are unable to participate fully because of DLD, they may be more likely to reoffend.

- 62% of people with DLD reoffended.
- 25% of people without DLD reoffended.

Do you have any other comments on Clause 4 of the Bill?

Yes

Please provide information to support your answer here::

Following on from the response above,

Children in care - Children who are looked after have a much higher rate of involvement with the Juvenile Justice Centre than the general population (Dept of Justice, 2020)

Children in care experience speech, language and communication needs (SLCN), although, these are often overlooked and not acted on compared to the emotional difficulties these children face, despite the prevalence rates being similar, 26% and 24% respectively. (Chambers et al, 2010).

90% of care leavers were found to have below-average language abilities and over 60% met the criteria for *Developmental Language Disorder (DLD) with difficulties in literacy, developmental disorders, and social, emotional, and mental health concerns (Clegg, 2021)

A screening of 39 children in a residential setting in the Western Trust (2020) found 75% of children have speech, language and communication needs – of these, none were open to core services and only 2 of these were previously referred to services.

To address speech, language and communication needs in Justice, the Royal College of Speech and Language Therapists Northern Ireland recommends:

1. Access to speech and language therapy – every prison and youth justice team should have access to speech and language therapy to support the people who need it. This requires addressing the current SLT workforce crisis.
2. Screening – young people and adults should be screened for speech, language and communication needs when they come into contact with the criminal justice system. This should happen at the earliest stage.
3. Training - All staff, including PSNI, judiciary, legal representatives and prison staff should receive training to recognise and support people with communication and swallowing needs. We recommend The Box “communication help for the justice system” free online training <https://www.rcslt.org/learning/the-box-training>

Clause 5: Police bail after arrest

Do you agree that any conditions of bail after arrest should require the custody officer to consider the circumstances of the individual and be proportionate to the risk?

Yes

Please provide information to support your answer here::

Our response is in regard to (2) (f) -

As in our previous response, it is imperative to take into account the likelihood of the young person having underlying speech, language and communication needs (SLCN). These can impact on their ability to both understand what is being said to them and around them, as well as making it more difficult to process and express themselves in a clear and concise way.

The RCSLT would query if all custody officers are trained and equipped with the skills to identify if someone has underlying SLCN and how to offer the necessary supports. Ensuring that all staff are trained using the RCSLT's free online training 'The Box' would be the first step in increasing awareness of how to identify needs and begin to support the young person. It would also be worth undertaking an exercise in reviewing all written documentation and amending these to ensure they are accessible to all, for example having pictures beside certain terms and removing unnecessary or complex vocabulary.

To address SLCN in Justice, the Royal College of Speech and Language Therapists Northern Ireland recommends:

1. Access to speech and language therapy – every prison and youth justice team should have access to speech and language therapy to support the people who need it. This requires addressing the current SLT workforce crisis.
2. Screening – young people and adults should be screened for speech, language and communication needs when they come into contact with the criminal justice system. This should happen at the earliest stage.
3. Training - All staff, including PSNI, judiciary, legal representatives and prison staff should receive training to recognise and support people with communication and swallowing needs. We recommend The Box “communication help for the justice system” training <https://www.rcslt.org/learning/the-box-training>

RCSLT NI further asks -

1. Introduction of a Professional SLT Advisor across both the Department of Health, Education and Justice.
2. Equal access of SLCN provision across health, justice and education settings.
3. Early years language identification tool for example, ELIM (Early Years Identification Measure and Intervention – used by Health Visitors at 2-2.5year review. More sensitive than ASQ in identifying and providing strategies to parents)

4. Undergraduate, postgraduate and SENco teacher training to include SLCN as mandatory.
5. SLCN provision to be expanded and included in post-primary schools.
6. Development of a regional platform for parents and professionals to include resources and training, (akin to Engage NI)
7. Scale and spread of good practice early years interventions across Northern Ireland.
8. The RCSLT NI continue to advocate for SLCN to be embedded in all policies relating to children and young people and strive for organisations and departments to become communication accessible via our free online training. (<https://communication-access.co.uk>).

Do you have any comments on Clause 5 of the Bill?

No

Please provide information to support your answer here::

Clause 20: Interviews

Do you support the use of live links in police interviews to allow an officer who is not at the same location as a detainee to conduct the interview?

Not Answered

Please provide information to support your answer here::

Do you believe there are sufficient safeguards in place for the use of live link interviews involving young people or vulnerable adults?

Not Answered

Please provide information to support your answer here::

Do you have anything further to add on Clause 20 of the Bill?

Yes

Please provide information to support your answer here::

We would advise consideration be made to those with speech, language and communication needs (SLCN) who are being interviewed. Additionally, there may be some people with unidentified SLCN that will also struggle to understand what is being said to them and to express themselves. Furthermore the use of a live video link may be present an additional challenge for some. Anglade et al (2022) reported that virtual communication can hinder interactions by filtering out key aspects of communication one example being nonverbal communication - something which those with SLCN often heavily rely on to both understand the messages of others and express themselves. It is therefore important that steps are taken to ensure all interviews take account of the communication needs of the interviewee and provide the necessary accommodations.

Prevalence of speech, language and communication needs (SLCN) in adults -

· A 2023 screening of a sample population at Hydebank Wood College found that 75% of those assessed had underlying speech, language and communication difficulties (SEHSCT, 2023).

· A project in Pontypridd Probation Service identified that all participants had "below average" speech, language and communication ability. It also revealed specific problems with comprehension and expression (Iredale, Pierpoint and Parow, 2010).

· Speech, language and communication needs are associated with a range of conditions including learning difficulties, autism and mental health, as well as conditions associated with ageing, such as dementia. These are all highly prevalent in the offending population (Prison Reform Trust, 2008) which indicates a greater need for access to speech and language therapy and support.

SLCN in young people (Youth Justice)

· Up to 60% of young people in the youth justice estate have communication difficulties with 46-47% of these in the poor or very poor range. Many of these individuals have experienced poverty and adverse childhood experiences (Bryan et al, 2007). · As outlined in the 2019 'Improving healthcare in criminal Justice Strategy', the RCSLT and YJA study in the Lisburn area (2012)¹ carried out 147 screening assessments in six months and found 54% of young people had some SLCN (79 clients). Of those, 78% could probably have had their needs met by a suitably trained CJS professional and 22% likely needed a specialist SLT (17 clients).

· The majority (74.4%, 2,792) of young people coming into formal contact with the justice system in 22-23 were male (Dept of Justice, 2023). Gender is associated with the greatest increase in risk for SLCN with boys overrepresented relative to girls 2.5:1 (Dockrell et al, 2012).

· There is also now substantial evidence through the evaluation of the Registered Intermediary scheme in Northern Ireland that significant numbers of

individuals, including many children and young people, in the justice system require support with their communication (Dept of Justice, 2015 & RCLT, 2017).