

FROM THE OFFICE OF THE JUSTICE MINISTER



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Robin Swann MLA  
Chairperson  
Committee for Employment and Learning  
Room 375  
Parliament Buildings  
Stormont  
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BT4 3XX

26 March 2014

*Dear Robin*

**SUBMISSION ON INQUIRY INTO POST EDUCATIONAL SPECIAL NEEDS  
PROVISION**

Thank you for your correspondence of 23 January 2014 in respect of the above inquiry being undertaken by your Committee.

As requested I attach a written submission at **Annex A** on activity within my Department in relation to the initiatives being taken forward to address the particular needs of, and improve the support given to, individuals with learning difficulties when they interact with the criminal justice system.

I will be interested, in due course, to have sight of the outcomes of your Committee's inquiry.

**DAVID FORD MLA**  
Minister of Justice

**INQUIRY INTO POST SPECIAL EDUCATIONAL NEED PROVISION IN  
EDUCATION, EMPLOYMENT AND TRAINING FOR THOSE WITH  
LEARNING DISABILITIES IN NORTHERN IRELAND**

**WRITTEN SUBMISSION FROM THE MINISTER OF JUSTICE**

**SUMMARY**

- Although the Department of Justice has responsibility for the Special Educational Needs and Disability Tribunal, the Tribunal deals with disputes about special needs provision for, and claims of disability discrimination in relation to, children whose are *at school*. As such, the jurisdiction of the Tribunal is outside the scope of the Inquiry.
- Individuals with learning difficulties may face particular problems both as offenders and victims when they come into contact with the criminal justice system. I, therefore, welcome the establishment of the Inquiry as improvements in post educational provision for this group of individuals could reduce their interaction with the criminal justice system.

### *Introduction*

1. This submission is made in response to a request from the Chairman of the Committee for Employment and Learning. I welcome the opportunity to clarify the relevant responsibilities of my Department and express my views on the Inquiry.

### *Department of Justice responsibilities: Special Educational Needs Tribunal*

2. The Department of Justice has a wide range of powers relating to devolved policing and justice functions. Its responsibilities include the criminal law, policing, prisons, courts, probation as well as civil justice matters such as tribunals. As such, it is responsible for the Special Educational Needs and Disability Tribunal (SENDIST) which is administered by the Northern Ireland Courts and Tribunals Service, an executive agency of the Department (although overarching responsibility for the substantive law on special educational needs rests with the Department of Education).
3. The SENDIST hears appeals from the parents of children with special educational needs against certain decisions of Education and Library Boards in the assessment and statement process. The Tribunal also hears claims of disability discrimination made against schools and or Education and Library Boards.
4. The Tribunal, therefore, deals with disputes and claims in relation to provision made for children with special needs whilst *in education*. As such, its jurisdiction appears to be outside the scope of the Inquiry, given its focus on post educational provision.

### *Interaction with the criminal justice system*

5. Individuals with learning difficulties may face particular problems both as offenders and victims when they come into contact with the criminal justice system.

6. The 5-year victim and witness strategy which I published in 2010 aims to improve the level of service delivered to victims and witnesses including those with learning difficulties. I recognise, however, the importance of ensuring that people with learning difficulties can get the particular support they need to navigate the system whether they encounter it as victims, witnesses or alleged offenders.
7. The Department of Justice is, therefore, taking forward a number of initiatives to address the particular needs of, and improve the support given to individuals, with learning difficulties when they interact with the criminal justice system;-
  - In February, I launched and supported a new autism guide for criminal justice professionals produced by the National Autistic Society which will help them provide the support needed by persons with autism. The guide is one of the commitments made by the Department of Justice in the Cross-Departmental Autism Strategy recently launched by the Minister for Health, Social Services and Public Safety;
  - In May 2013, I launched the pilot Registered Intermediaries Schemes under which registered intermediaries available to assist witnesses or defendants with significant communication difficulties are, including autism, during police investigations and at Crown Court trial. The feedback to date from the schemes shows that they are already playing an invaluable role in helping children and adults with autism get better access to justice;
  - We have also established a project to look at ways of improving the criminal justice response to vulnerable offenders, including those with learning, speech, language and communication difficulties. The project aims to establish principles for the management and support of vulnerable suspects, defendants and offenders. A Vulnerable

Individuals Steering Group, with representatives from the core Department and its agencies, has been formed to take this project forward.

- The Youth Justice Agency has also been involved in an ongoing programme of work with the Royal College of Speech and Language Therapists (RCSLT) to develop support mechanisms for young people with speech, language and communication difficulties within the youth justice system. A key element of this programme has been the successful piloting of an e-learning tool which had been developed by the RCSLT and the appointment of a dedicated Speech and Language Therapist resource for the Youth Justice Agency which is expected to take place within the next few months.

8. Although, it is envisaged that these initiatives will improve the support provided to individuals with learning difficulties when they interact with the criminal justice system, it would, of course, be preferable to reduce that level of interaction, where possible. I recognise that improvements in post educational provision for those with learning difficulties could reduce the number of these individuals who come into contact with the criminal justice system.

*General view*

9. I, therefore, welcome the Committee's decision to undertake its Inquiry. I am, of the view, that Departments should work together to help those with learning disabilities realise their full potential and achieve as much independence as is possible. To this end, my Department is already collaborating with the Department of Public Health and Social Services on the development of policy relating to safeguarding vulnerable adults.

**DAVID FORD MLA**

**Minister of Justice**