



Behind the scenes of developing and operating Forensic services.

Community Support

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The title of the 2005 document “**no one knows**” (Nuffield Trust) possibly sums up the major issues in supporting people who have learning disabilities most succinctly.

There is no clear evidence of the numbers of people who have learning disabilities in prison, the significance of the disability to their functioning, and their understanding of why they're there.



The purpose of prison

- **Punishment**

Prison certainly punishes people who have Learning Disabilities, considering the distress, anxiety and fear that prison often disproportionately causes to people who do not understand the complex interactions inside a prison environment.

- **Deterrence**

It is difficult to see how people who have learning disabilities and are often financially less secure, have less opportunities to find employment and housing, have poorer health outcomes and less positive community engagement can be deterred by prison.

- **Protection**

Sending people with Learning Disabilities to prison does protect the community however levels of violence, self harm and substance misuse are extremely high in prison and therefore the victims of crime can be those employed or detained in the prison system. We also may have very angry, confused and desensitised people returning to their community.

- **Rehabilitation**

The opportunities for the rehabilitation and education of people who have learning disabilities in prison are extremely limited.



Detention under the Mental Health Act

- At times it is deemed appropriate to detain individuals who have offended under the Mental Health Act. Prisons can find it difficult to manage complex individuals who often have multiple diagnosis in the prison system.
- The Prison Reform Trust together with the Centre for Mental Health and Together for Mental Health (2024) highlighted concerns that detention under the mental health act was used as resources for supporting individuals who have offended and / or pose a risk of offending were often inadequate. They accepted that the Mental Health Act is often used in the individuals and communities best interests as there was no other legal framework to protect them and / or others.
- Section 37/41 is often used which may mean the individual spends many years in hospital as there are no suitable resources in the community.
- There is no “treatment” for learning disabilities or Autism so the outcomes for these individuals are hard to quantify.



Community Resources

- Housing

There is a severe lack of affordable homes throughout the UK. It is even more difficult to source when the individual has restrictions in place on where they can live due to risks.

People who have support services often need 2 bedroom properties. One bedroom for the staff member. These properties are very difficult to source and the benefits the individual is entitled to will not cover the rent.

Where specialist housing is required (risk of significant self harm) the expertise is often so scarce that the individual may lose a property as the wait for assessment can be significant.



Community Resources

- Probation

Individuals with Learning Disabilities find complying with the conditions of their release. Probation is difficult as the individual may struggle with understanding the time of appointments or their significance. Even minor issues such as understanding the bus route to the appointment can be difficult, this is far more difficult if the individual has no appropriate housing or support package.

- Community sentences.

The issues highlighted above apply to the application of community sentences.



Health Services

- Primary health care services.

The individual is often released with health needs. It can be difficult for them to register with primary health care services, attend appointments or follow treatment plans.

- Long term conditions

The individual is more likely to suffer untreated long term conditions due to not accessing / attending screening service, receiving vaccines and / or poor life style.

- Substance misuse service

Where the individual has substance misuse issues the ability to access the expertise of specialist services can be significantly impaired.



Funding

- The ability of Local Authorities to fund services for high risk groups with offending histories is limited. Resources are extremely stretched. It is often difficult to access resources for these individuals as they can be perceived as less “deserving”. They can also absorb huge sums of money.
- It is worth noting that underfunded services can eventually cost the local community / society far more in the medium to long term. Probation, police, A and E departments, 111 and health and social care professionals can spend extensive time on services which are inadequately resourced.
- Re-offending can occur. Individuals who have offended are released / discharged into “unsuspecting communities” and may reoffend with catastrophic results.



Specialist support organisations

- Health and Social Care organisations are equally stretched. Issues such as Brexit, underfunding, long term sickness in the population and the lack of skills in the workforce are putting extreme pressure on all organisations.
- The move to new technology has helped however that can only assist with the administrative tasks of management, it does not lessen the need for skilled, well paid and motivated care and support staff.
- The issues with the regulation of health and social care services has been challenging. The CQC have accepted they have not provided effective and timely guidance to health and social care organisations, this be can be particularly difficult for organisations who do not provide regulated services but are judged under the standards of regulated services. Should there be different criteria for the ratings?



What makes this situation more difficult for Health and Social Care professionals.

Lack of robust, candid and timely information.

- Individuals are often referred to us with information that says “may have”, “could be”, “was present when”. The desire to not criminalise the individuals we support is not beneficial to them in the long run.
- Information often comes so late that organisations refuse to start the service or have not set the service up correctly, missing key design issues that would reduce risk.
- Lack of resources that result in poor communication between services. There are many examples of extremely good communication and collaboration but this is often due to the skills and the willingness of professionals to take on workloads and responsibilities that should be shared amongst well resourced teams.



Legal frameworks

The legal frameworks that are currently in place are inadequate in providing support for people who have learning disabilities and are a risk of offending.

The police, Mental Health Services and A and E are often used because there is confusion among direct support staff about what they can and can't legally do when a risk issue arises.

The police are overstretched and often cannot respond to something that may be an issue for mental health services rather than an ongoing criminal act. Staff become very nervous in these situations and the on – call system of the Health and Social Care organisation are used. At times there are multiple incidents occurring at the same time and therefore the on call system is unavailable.



Solutions

- Funding

There needs to be a significant increase in funding for health and social care. The money saved from unnecessary input from police, probation, social services, the health care system and prisons would quite quickly be seen as a positive investment.

- Staffing.

Even with increases in pay, improvement of terms and conditions and high quality training, investment without a pool of employable individuals won't work.

- Government strategy

The conclusion of all reports agree that far too many people who have learning disabilities are in prison or secure units. Governments need to develop a long term strategy to address that.