

**Exploring the perceptions of
criminal justice personnel towards young people with
learning difficulties and the subsequent potential for
educational psychology involvement within the justice system**

by

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ABSTRACT

Concerns have been raised that over the past ten years in comparison to the wider population, that there has been a disproportionately high number of young people with learning difficulties (YPLDs) who encounter The Justice System. However, research suggests that recognition of learning disabilities is not consistent amongst criminal justice personnel (CJP) and the provision of support and provision within The Justice System appears to be far from adequate (Loucks, 2007). It could therefore be considered to be of the utmost importance that YPLDs within The Justice System are identified at the earliest opportunity in order to instigate much needed support.

Consequently, the aim of this study is to explore the perspectives of CJP towards YPLDs and identify possible recommendations such as provision, awareness and training in order for YPLDs to have fair access to justice. Inductive Thematic Analysis (ITA) enabled eight key themes to be generated, based on the interviews of twelve members of CJP.

The ITA highlighted that although views differed across the CJP there was a general perception that knowledge in relation to special educational needs (SEN) within the Criminal Justice service was limited and training specifically in relation to the recognition of learning difficulties by professionals who deal with YPLDs, was considered to be insufficient. This present study has therefore illuminated the need for improvement within The Justice System and presents avenues for continued psychological research, with the aim of providing fair and equal access to justice for all YPLDs. As knowledge among professionals working within The Justice System about SEN is not a necessary prerequisite for gaining employment, there is a potential role for Educational Psychologists to support CJP so that they can take account of and respond to the SEN of the young people which would positively enhance the experience of YPLDs who encounter The Justice System.

DECLARATION

This work has not been submitted in substance for any other degree or award at this or any other university or place of learning, nor is being submitted concurrently in candidature for any degree or other award.

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LIST OF ABBREVIATIONS

ASD	Autistic spectrum disorders
BPS	British Psychological Society
CJP	Criminal justice personnel
CPS	Crown Prosecution Service
EP	Educational Psychologist
EPs	Educational Psychologists
GT	Grounded Theory
IPA	Interpretative Phenomenological Analysis
ITA	Inductive Thematic Analysis
LD	Learning difficulty
LDs	Learning difficulties
PACE	Police and Criminal Evidence
SEN	Special educational needs
SEND	Special educational needs and disability
TA	Thematic Analysis
YOT	Youth Offending Team
YOTs	Youth Offending Teams
YPLD	Young person with learning difficulty
YPLDs	Young people with learning difficulties

CHAPTER ONE: INTRODUCTON

Learning difficulties are prevalent amongst a significant proportion of individuals within the United Kingdom. In England alone, there were estimated to be 1.08 million individuals experiencing learning difficulties in 2015 (Hatton, Glover, Emerson, & Brown, 2016). The education system plays an important role in supporting children and young people who experience learning difficulties and the expertise of an Educational Psychologist (EP) could be considered to be paramount in contributing to this vital role. However, when education for the young person ends, disengagement from the system may inevitably result in a lack of support for the individuals in question. In some cases, these vulnerable young people may fall foul of the law and encounter The Justice System as offenders, victims or witnesses of crime.

Research suggests that the number of young people with learning difficulties (YPLDs) who encounter the initial stages of The Justice System in any capacity is disproportionately large in relation to the wider population. Loucks (2007) reported that up to 10% of individuals who encounter The Justice System experience learning difficulties. Furthermore, Oshima, Huang, Jonson-Reid and Drake (2010) identified that in comparison with the overall population, individuals with learning difficulties who enter The Justice System are more likely to have additional compounding difficulties, such as lower academic ability, limited social support, reduced employment prospects and diminished socioeconomic status. However, Loucks (2007) suggested that recognition of the disproportionate prevalence rates of service users experiencing difficulties is not consistent amongst criminal justice personnel (CJP) and consequently, support and provision within The Justice System appears to be far from adequate. From the perspective of this researcher, as an EP working within The Justice System the disparity between support which may be present within the education system and the considered lack of support in place within The Justice System is profound. As such this

realisation highlighted the need to further explore the area to consider how this issue could be addressed.

1.1 Formulating the Research Aim

The Equality Act (2010) states that reasonable adjustments must be made to enable individuals to be able to contribute to society, manage their independence and enjoy specific experiences. However, research has highlighted that amongst CJP, there is a lack of training in identifying and understanding people with learning difficulties (Hayes, 2007), which may impede this goal. A contributory factor to this could be that there appears to be a dearth in the research specifically related to the problems of young people, as the majority of the literature around individuals with learning difficulties within The Justice System surrounds the experiences of the adult population (Walker & Donaldson, 2011).

This is of particular relevance, as it has been suggested that the level of knowledge surrounding learning difficulties has been identified to influence attitudes amongst professionals when working with YPLDs (Gendle & Woodhams, 2005; Murphy & Clare, 1998). It could be considered, therefore, that the resultant lack of knowledge and understanding by CJP towards YPLDs may in some cases ultimately lead to unhelpful attitudes and incorrect assumptions about this vulnerable population (Milne, Clare, & Bull, 1999). However, research suggests that specific training can increase professionals' knowledge and change attitudes with regard to individuals who experience learning disabilities (Henry, Keys, Balcazar, & Jopp, 1996; Gill, Stenfert Kroese, & Rose, 2002). These findings have implications for the treatment of YPLDs involved with The Justice System; thus, legislation is evolving so that people with learning difficulties experience equal access to justice (Department of Health, 2001).

It could therefore be considered that CJP as well as YPLDs who come into contact with The Justice System may benefit from the extensive depth of knowledge and understanding embodied by practitioner psychologists, and more specifically an EP's expertise surrounding the identification of learning difficulties.

This led the researcher to the current research project, which aimed to explore the perceptions of CJP's knowledge and attitudes towards YPLDs and how these can be developed in the future.

1.2 Educational Psychology within The Justice System

The Bradley Report (2009) highlighted the prevalence of adults and young people within The Justice System with learning disabilities and/or mental health problems and the need for increased recognition at all stages of the journey through The Justice System. This has been associated with an increase in service provision and a call for professionals with skills in psychological assessment, formulation and intervention (BPS, 2016). Whilst this has traditionally fallen within the domain of forensic psychologists, there has been more scope for other 'practitioner psychologists' to play a role within criminal justice pathways (HCPC, 2015). The skills of clinical, forensic and educational psychologists may be utilised in this context to support other multi-agency staff in developing a psychological understanding and intervention plan for individuals with such difficulties.

EPs are applied psychologists who typically work with young people within schools, as well as in the community. An EP can help to identify and support those who experience a range of difficulties, such as learning difficulties/learning disabilities, as well as those with social, emotional and behavioural problems (Mackay, 1999). Farrell et al. (2006) report that in a cohort of EPs, between 40-50% perceived that their main purpose was to "apply psychological

methods, concepts, models, theories and knowledge” and highlighted these functions as key when working with those with special educational needs (SEN).

A survey by German, Wolfendale and McLoughlin (2000) of Social Workers and Educational Welfare Officers pointed out that EPs have also applied their skills in other areas, such as child protection work. However, those who worked in child protection were mainly specialist EPs, two thirds of whom had experience of previously carrying out work in a legal setting. This study concluded that, although Social Workers and Educational Welfare Officers believed that EPs possess important skills that could be utilised in legal settings within The Justice System, EPs tend to avoid such cases because they feel they are inadequately trained to function within this arena. With an awareness of this, there is now an increase in Expert Witness training being offered to EPs (BPS, 2015) thus suggesting the increasing recognition that EPs may have a crucial role to play within The Justice System. In view of EPs' diverse skill base, it could be concluded that not only could this profession work with young offenders, but they could also play a significant role within the multi-disciplinary team that acts to utilise best practice from multiple disciplines in order to support offenders throughout The Justice System. Ryrie (2006) acknowledges this by stating “the skills and knowledge that EPs are routinely deploying in their everyday work are directly relevant to the work that needs to be done with young people who are involved in crime” (Ryrie, 2006, pp. 6-7).

It is anticipated that this present research study may contribute towards identifying the gaps in the provision that currently exist for YPLDs within The Justice System and the subsequent role that may be fulfilled by EPs to meet this need.

1.3 Report Structure

The present study will firstly review the literature surrounding the topic area. In doing so, it will provide a rationale and background to the research aim, ending in the formulation of the specific research questions. Following on from this, the chosen research methodology of an Inductive Thematic Analysis (ITA) will be introduced and justified as an appropriate methodological paradigm to facilitate the exploration of the research aim. Findings following the thematic analysis (TA) will be presented in the results section of the report. The implications of such findings, along with the limitations of the present study and recommendations for future research will form the discussion section and end with the summary and concluding remarks.

CHAPTER TWO: LITERATURE REVIEW

The literature surrounding this topic area has been extensively and systematically reviewed, in order to shed light on contemporary issues pertaining to the experiences of YPLDs who encounter The Justice System. This chapter will be divided into seven sections. Firstly, the parameters of the research will be outlined, encompassing the definitions of key terms used throughout this research and their impact upon the search strategies and key sources. Secondly, the provision and support presently available for those entering The Justice System as a whole will be identified. Next, the prevalence of YPLDs involved within The Justice System and their characteristics will be considered, along with the provisions available and the subsequent barriers to receiving support that these individuals may face. The present evidence surrounding the perceptions of CJP's knowledge and attitudes towards YPLDs will be discussed, along with a summary of the research surrounding this topic area. Upon completion of this review, links to the current study are made and the research aim/questions are identified.

2.1 Defining the Parameters of the Research

2.1.1 Search Strategies and Key Sources

A range of different international resources dating from 2014 to 2017 were used in order to carry out and complete the literature review and gather content that was relevant to the current study. University libraries and electronic databases and journals were utilised: Google Scholar; PsychINFO; PsychARTICLES; Psych LIT; EBSCO; ERIC; PubMed; Web of Science and Scopus.

Reputable websites were also used where appropriate. The primary websites included: The Prison Reform Trust; British Dyslexia Association; British Psychological Society; Department

for Education and Skills; Foundation for People with Learning Disabilities; HMI Probation and The Home Office.

In searching these sources, key terms were trialled and refined in order to obtain the most relevant articles and information. A number of keywords used in the search are listed below:

- Learning difficulties;
- Learning disabilities;
- Young people;
- Adolescents;
- Children;
- Educational Psychologist;
- Teenagers;
- Knowledge;
- Attitudes;
- Understanding;
- Discrimination;
- Criminal justice personnel;
- Criminal justice professionals;
- The Justice System;
- Police;
- Lawyers;
- Jury; and
- Barristers.

Additionally, a number of key reference books and Acts (such as, Vulnerable Inside: Children in Secure and Penal Settings; Equality Act 2010; NEO PI-R: Professional Manual) were utilised in order to provide a background to the topic area and to guide the methodological process. The search strategy therefore took on a compound technique, whereby, key terms were identified and research articles followed up, relevant to those key terms.

2.1.2 Defining Key Terms

In order to gather appropriate information for this review, it was initially essential to examine the often disputed nature of the key terminology and definitions in this subject area. Terms such as ‘young person’ or ‘child’ and pivotally ‘learning difficulty’/‘learning disability’ can be defined in different ways and may be used to convey a variety of meanings when used in common practice. It appears that there is no generally established definition for the term ‘learning difficulty/learning disability’ in particular, which may have already played a role in the lack of effective practice related to YPLDs within The Justice System. Furthermore, a paucity of widely established definitions and therefore lack of consistency in this area may contribute to several unhelpful consequences, such as, inadequate assessment and screening procedures and hindrance of communication amongst professionals (Fyson & Yates, 2011). Fyson and Yates (2011) established that as a result of the inconsistencies amongst definitions, YPLDs can maintain ‘invisibility’ within the system and formal records, making it difficult to accurately determine the level of need or provision. Defining key terms, both in literature and practice, could therefore address a significant problem in this area of knowledge and professional practice.

Definition: Learning Difficulty/Learning Disability

The term ‘learning disability’ has many associated terminologies and definitions that differ considerably throughout the literature and cross-culturally. Currently in the UK, the term ‘learning disability’ is by and large the most widely accepted terminology to replace the outdated term ‘mental handicap’ (Loucks, 2007; Department for Education, 2015). The term ‘intellectual disability’ may also be used in the UK, but is criticised by the British Psychological Society (BPS, 2000), as it risks defining the disability as solely of an intellectual nature without taking into account the associated impairments of social or adaptive functioning.

Comparatively, in the USA, the term ‘mental retardation’ is most widely used to describe people with learning difficulties (Loucks, 2007). However, there is a move away from this term in the USA, with the Diagnostic and Statistical Manual of Mental Disorders – 5th Edition (DSM-V) having replaced the term with ‘intellectual disability’ (American Psychiatric Association, 2013).

The BPS (2000) states that three key criteria need to be met for a person to be considered as learning disabled. These are: significant impairment of intellectual functioning; significant impairment of adaptive/social functioning; and age of onset before adulthood. Likewise, the American Psychiatric Association (APA, 1994, pp. 41-42) defines learning difficulty as, “significantly sub-average intellectual functioning”, with “concurrent deficits or impairments present in adaptive functioning” with an “onset before 18 years”. These definitions importantly incorporate people who may have a variety of disabilities. They suggest that the existence of a low intelligence quotient (IQ) score alone is insufficient to diagnose a learning difficulty and that consideration should also be given to an individual’s level of social and adaptive functioning. Definitions of learning disabilities also highlight the significance of characteristics being present over the course of the individual’s lifetime, potentially distinguishing those with learning disabilities from those who may be suffering with mental illness, which may occur on a short-term basis (Fyson & Yates, 2011).

When considering the definition of a learning difficulty, it is important to address the distinction between learning difficulty and learning disability. These two terms are often used interchangeably in adult services (Foundation for People with Learning Disabilities, 2013). In the UK education system, the term ‘learning difficulty’ can often be used to describe individuals who have Specific Learning Difficulties (Department for Education, 2015). These individuals do not generally have difficulties which affect their global intellectual functioning,

but rather encounter specific problems which are related to their comprehension, written communication and cognitive skills. These tend to include conditions such as dyslexia and dyspraxia, communication difficulties, speech and language difficulties, visual or auditory (sensory) impairments, attention deficit disorders and autistic spectrum conditions such as Asperger's Syndrome (Loucks, 2007). However, of particular relevance is that some countries, specifically the USA use the term 'learning disability' primarily to refer to people with Specific Learning Difficulties such as dyslexia and dyspraxia (Murphy, Harrold, Carey, & Mulrooney, 2000). This definition often does not incorporate individuals with general intellectual difficulties, such as those having a 'low' IQ (in the borderline range), as the British definition would suggest (Elliot, 1983; Wechsler, 2003).

With regards to the disparity between these terms, it appears there is still significant inconsistency over their definitions. Indeed, recent legislation such as the Joint Inspection of the Treatment of Offenders with Learning Disabilities (HMI Probation, HMI Constabulary, HM Crown Prosecution Inspectorate, & Care Quality Commission, 2014) concludes that no clear definition of a learning disability actually exists. Consequently, there is considerable variation in the estimated number of individuals within The Justice System with learning disabilities in the literature. Preliminary research for this paper has thus highlighted the need for a well-defined and consistently agreed upon definition of what constitutes a learning disability such that a clearer view of the present prevalence of YPLDs within The Justice System can be established.

When using and interpreting the term 'learning difficulty', the Prison Reform Trust's 'No One Knows' project (Talbot & Riley, 2007) attempts to use the broadest possible definition, encompassing both the definitions of learning difficulties and learning disabilities. Although those with learning difficulties may not be as intellectually impaired, they may still have

difficulties in other areas of functioning that may consequently affect their experience and lead to differing barriers when encountering The Justice System. Therefore, in researching this area and throughout this thesis, this broad definition was adopted in order to access a large scope of relevant research.

Definition: Young Person

Legal and formal definitions of the term ‘child’ and ‘young person’ generally do not attempt to encompass a consideration of functional abilities, but tend to rely solely on chronological age. For example, the Children and Young Person’s Act (1969) defines the term ‘child’ as a person under 14 years of age, whilst defining a ‘young person’ as anyone between the ages of 14 and 18 years old. More broadly, both the Children Act (1989) and the United Nations Convention on the Rights of the Child (1989) define any person below the age of 18 years of age as a child. Despite this, the Crime and Disorder Act (1998) states that the age in which children can be held criminally responsible for their actions in England and Wales, is 10 years old. The current SEND Code (2014) refers to young people as being aged up to 25 years old. For the purpose of this paper, the term ‘young people/person’ refers to persons aged between 10 and 18 years old, incorporating children who meet the age of criminal responsibility, but below the age widely deemed to be classed as an adult.

2.2 Prevalence of Learning Difficulties within The Justice System

The Department of Health (2011, cited in Emerson et al., 2011) estimates that 2% of the population in England have some form of learning difficulty or learning disability. It is therefore inevitable that a proportion of these individuals may come into contact with The Justice System as perpetrators, victims or witnesses to crime. It is thought that about 10% of the prison population has a diagnosed learning disability, but around 60% of prisoners (as well as those in custody) have difficulties with communication skills (Loucks, 2007). The prevalence of individuals with learning difficulties within The Justice System is difficult to determine, as varying rates have been reported (Jacobson, 2008); this being partly due to previously stated challenges regarding the application of consistent definitions. Specifically, with regards to the prevalence of offenders with learning difficulties, the 'No One Knows' project identified that "between 20% and 30% of offenders have learning difficulties or learning disabilities that interfere with their ability to cope within The Justice System" (Jacobson, 2008). It would, however, appear that along with the challenges surrounding definitions of learning disabilities, there are also no consistent rates of prevalence. This may be due in part to a number of factors such as: the assessment measures and diagnostic criteria used to identify learning difficulties; the stage in The Justice System when the assessment takes place and the level of training and expertise of the professionals conducting the assessment (Hayes, 2007; Herrington, 2005; Loucks, 2007). Moreover, the variance in the prevalence rates of individuals with learning difficulties who encounter The Justice System would appear to conflict due to researchers using subjective definitions of learning difficulties/disabilities.

Despite there being a limited number of official statistics available, previous research suggests that people with learning difficulties are at an increased risk of becoming victims of crime, compared to those in the general population (Williams, 1995; Brown, Stein, & Turk, 1995;

Mencap, 1997). For example, research conducted by Mencap (1997) highlighted that individuals with learning difficulties are twice as likely to become victims of crime compared to those without such difficulties. A more recent study by Burton, Evans and Sanders (2007) suggested that up to 24% of prosecution witnesses were considered to be vulnerable individuals (for example those with mental illness; a physical disability; a learning difficulty or persons under the age of 17 years old).

2.3 Typical Characteristics of Young People with Learning Disabilities within The Justice System

Focusing on the prevalence of YPLDs, in a survey of young offenders with learning difficulties in England and Wales, Harrington and Bailey (2005) identified that 23% of adolescents had an IQ of less than 70 and a further 36% had an IQ in the borderline range of 70-79. These findings are not unique (Kennedy, Richardson, Dixon, & Kelly 2003), yet those in the borderline range (still within the remit of 'learning difficulties') are said to be one of the most easily hidden groups of individuals in The Justice System (McBrien, 2003; Herrington, 2009).

The Youth Justice Board (2006) acknowledges that 25% of young offenders have special educational needs (SEN), where further research identifies that 18% of young offenders have a Local Authority Statement of SEN, as compared to just 3% in the general population (Jacobson, Bhardwa, Gyateng, Hunter, & Hough, 2010). Furthermore, HM Inspectorate of Prisons and the Office for Standards in Education (2002) screened 5,963 young people upon entry to boys' custodial establishments and found that 60-80% of newcomers to secure institutions were either at or below Level One standard in both literacy and numeracy (Level One standard is defined as "D to G grade in GCSEs, and is judged to be the level of skill needed for adults to function effectively in society" (House of Commons, 2011, p. 7)). Rack (2005) concluded that dyslexia was up to four times more frequent within the offending population

compared to the general population, with prevalence rates ranging from 14-31%. These figures are not surprising when an estimated one in five adults in England and Wales are said to have problems with basic literacy and numeracy, yet many remain unscreened and undiagnosed for Specific Learning Difficulties (Bryan, Freer, & Furlong, 2007).

Previous studies have also established that a significant number of young people in The Justice System have impairments in communication. A study by Bryan (2004) examining detainees in a Young Offenders Institution, reported a high number of young people with speech, language and communication difficulties, spanning from 23% with significant impairments in language comprehension to 73% with problems with grammatical competency. Furthermore, research by Bryan et al. (2007) established that in a sample of young people in The Justice System, 66-90% experienced difficulties in communication and 46-67% had poor or extremely poor communication skills. Additionally, Bryan et al. (2007) also indicated that at least 60% of the sample had not achieved the aforementioned Level One standard in literacy.

Research is thus portraying that an elevated proportion of young people who encounter The Justice System have low levels of educational attainment and complex support needs, when compared to their peers (HM Government, 2009). Unfortunately, the research surrounding YPLDs who encounter The Justice System as victims or witnesses of crime is extremely limited when compared to those who encounter the system as offenders. Moreover, establishing reliable figures is often difficult due to the lack of routine reporting and recording, which allows cases of this nature to be identified (Lee & Charles, 2008).

A substantial amount of research examining the characteristics of these young offenders has established that adolescents who encounter The Justice System have already experienced a variety of personal difficulties, such as mental illness, family conflict and a range of educational issues, for example, low levels of attainment and school exclusion (Harrington &

Bailey, 2005). However, there is relatively little research examining learning disabilities within this population, with much of the evidence pertaining to adults rather than young people.

Hall (2000) conducted one of the relatively few studies available, based on a description of the clinical characteristics of young people with learning disabilities in secure units run by Health and Social Services. The study ascertained that the individual's learning disabilities were found to be within either the mild or borderline range, showing particular impairments in their social and communication skills, as compared with other skills. In addition, within this population, Hall (2000) also identified an extremely high prevalence of emotional disorders, including mood/anxiety disorders and disruptive behavioural disorders, such as conduct disorders and substance abuse.

Further research also identified that individuals with offending histories and learning difficulties are likely to encounter additional adverse life events. For example, Murphy and Mason (2005) observed that social deprivation and poverty are often commonly associated with both learning disabilities and high levels of offending behaviour. According to the literature, social deprivation frequently characterises the background of offenders with learning disabilities, in conjunction with high rates of family discord and family breakdown during childhood, a history of displaying challenging or anti-social behaviour and high levels of unemployment (Barron, Hassiotis, & Banes, 2004; Loucks, 2007).

It was also noted that young people with learning disabilities may experience increased levels of bullying and abuse. A 2007 study conducted by Mencap established that eight out of ten YPLDs had experienced bullying, with six out of ten reporting that they had been physically abused. Problems within educational settings and school exclusion are also common characteristics of young offenders with learning difficulties.

A study by Murray (2012) conducted in eleven young male establishments, ascertained that 36% of male offenders last attended school when they were 14 years of age or younger, where additionally 88% stated that they had previously been excluded from school. In comparison, Murray (2012) identified that, throughout three young women's establishments, 41% stated that they attended school last when they were 14 years or younger, whereby 74% of young female offenders reported that they had been excluded from school. Subsequently, based upon the above research, it is plausible to assume that young offenders with learning disabilities, who have previously been excluded from school, may have missed the opportunity to be diagnosed with a learning disability and consequently they may therefore not be in receipt of the appropriate and necessary support within The Justice System. Whilst Murray's study (2012) helps to provide a clearer insight into the educational history of young offenders, it must be noted that it may not be indicative of the entire prison population.

However, whilst not indicative of the entire prison population, if social deprivation, bullying and exclusion from The Justice System experience difficulties in communication, it could be suggested that help should be provided to young offenders within the borderline range of learning difficulties to ensure their complex support needs are addressed and they cease being the most easily hidden group in The Justice System.

2.3.1 YPLDs as Perpetrators of Crime

Research into the over-representation of criminality associated with young people with learning disabilities has also examined whether this group is at an increased risk of perpetrating particular offences and more specifically, which crimes are most commonly committed. However, difficulty in obtaining accurate prevalence statistics means that it is often difficult to address this issue (Holland, Clare, & Mukhopadhyay, 2002).

Evidence regarding the criminal behaviour of young people with learning disabilities is limited (Fyson & Yates, 2011). However, it has been noted that young offenders are known to be prosecuted for around a quarter to a third of all sexual offences and that the peak age for sexual offending in males is between 12 and 14 years of age (Hackett, 2004; Erooga & Masson, 2006). Moreover, research involving adolescents who commit sexual crimes against others continues to demonstrate that young people with learning disabilities are over-represented (Manocha & Mezey 1998; Bailey & Boswell, 2002; Fyson, 2007). Specialist intervention services also describe a disproportionate number of referrals received within this population (Dolan, Holloway, Bailey, & Kroll, 1996). This may partly be explained by the notion that children and young people with disabilities are more likely to have suffered abuse, compared to their non-disabled counterparts (Cooke & Standen, 2002). Furthermore, the validity of these findings in relation to offences of a sexual nature could be questioned with regards to the motives behind the offences by YPLDs. Often, studies do not differentiate between crimes of purposeful intent and those where a misunderstanding or miscommunication had occurred between the YPLD and the victim. It is suggested that further studies in this area should aim to identify both the motives of YPLDs as perpetrators of sexual crimes, as well as the methods of dealing with a crime of this nature by CJP where a YPLD is concerned. This should further illuminate how this population is represented within the research and give clarity to the over-representation of criminality associated with sexual offences by young people with learning disabilities.

Anti-social behaviour is frequently discussed in the literature relating to both children and adults with learning disabilities, although evidence regarding the anti-social behaviour of YPLDs is sparse. One of a small number of studies conducted by Douma, Dekker, de Ruiter, Tick and Koot (2007) in the Netherlands, established that males as opposed to females with learning disabilities were more likely to display anti-social behaviour than their peers in the

general population. Furthermore, 10-20% of the sample displayed continual anti-social behaviour over a period of five years. It was observed that tendencies towards this behaviour in young people with mild or borderline learning disabilities are highly similar to that of their peers without learning difficulties and could therefore be more related to other factors, such as low socio-economic status, family discord and childhood behavioural difficulties. This study must be interpreted with caution due to cultural variations; therefore, the findings may not necessarily apply to the UK population.

In one of the few UK studies, Dickson, Emerson and Hatton (2005) compared the self-reported anti-social behaviour of young people with learning disabilities to non-learning, disabled adolescents. They found that young people with learning disabilities reported significantly higher numbers of anti-social behaviours, which included stealing valuables, stealing in the street, property damage, bullying, use of weapons and fire setting. Consequently, this resulted in a higher proportion of adolescents with learning disabilities reporting that they had been involved with the police. However, after taking into account other factors, such as mental health and social deprivation, it was concluded that young people with learning disabilities may be more vulnerable due to risk factors such as low socioeconomic status and mental health issues, rather than singularly having a learning disability and this being linked to higher rates of anti-social behaviour (Dickson et al., 2005). This study utilised a good sample size (N=98), therefore, it can be suggested that the results provide a reasonable representation of the risk factors for those with learning disabilities in the UK. Despite this, the results from this study may be challenged as Dickson et al. (2005) used self-reported information, thus it is plausible that the participants may have answered in a manner viewed as favourable to the investigator, thus leading to social desirability bias (Fisher & Katz, 2008).

2.3.2 YPLDs as Victims and Witnesses of Crime

There is growing evidence to suggest that individuals with learning disabilities are particularly vulnerable to becoming victims or witnesses to crime. An increasing number of people with learning disabilities residing in the community (as policies of de-institutionalisation continue), whether this be in residential settings or living at home with relatives or carers (Kebbell & Davies, 2003), means that individuals with learning difficulties are more likely to be the target of victimisation from offenders (Flynn, 1989). Subsequently, individuals with learning disabilities are at a higher risk of becoming victims of crime, including: domestic violence; physical and sexual abuse; robbery; burglary and personal theft (Wilson & Brewer, 1992; Rack, 2005). Research specifically examining YPLDs as victims of conventional crime is minimal. However, one study found that students with learning disabilities in high school were more likely to be victims of crimes such as sexual assault and theft, in comparison to their non-learning disabled peers (Sullivan, 1999). More recently, with regards to the experience of victimisation, Fogden, Thomas, Daffern and Ogloff (2016) identified that individuals with intellectual disabilities were twice as likely to be violently victimised, whilst they were six times as likely to be sexually victimised, as compared to a community sample. Although this research offers insight into a significant proportion of individuals with intellectual disabilities that experience victimisation, it does not specifically outline the experience of YPLDs as it used an adult sample. As previously stated, research upon the prevalence of YPLDs as victims of crime is relatively limited, thus highlighting the need for further research to be carried out amongst this vulnerable population. Similarly, with regards to being a witness of a crime, Kebbell and Davies (2003) identified that young people and adults with learning difficulties were more likely to be witnesses to crime, as opposed to individuals without learning difficulties. Of particular relevance is that victims and witnesses are crucial in providing eye witness testimony in order to secure the conviction of perpetrators of crime (Kebbell & Milne,

1998) and that adequate provisions (outlined later in this review) must be established in order to facilitate their testimonies.

2.4 Provision and Support within The Justice System

Provision and support for people with learning difficulties within The Justice System has been the focus of various protocols and policies throughout the past few decades (for example, the Police and Criminal Evidence Act - PACE (Home Office, 1984) and the Youth Justice and Criminal Evidence Act (Home Office, 1999)). However, in order to secure certain support measures, the label of a learning difficulty is required and identification is important. Although identification procedures are improving, they are not currently at the desired accuracy level (Fyson & Yates, 2011). The following provision is made for vulnerable individuals with learning difficulties, however, should the individual not be capable of giving evidence in court (established by way of a psychological assessment), the Official Solicitor and/or Registered Intermediary may be enlisted in order to represent the individual's best interests.

2.4.1 The Role of the Appropriate Adult

The first legislation sought to ensure that access to justice is fair and equal for vulnerable individuals who encounter The Justice System was PACE (Home Office, 1984). Section C of the Code of Practice which accompanies this provides guidance regarding the interviewing of vulnerable witnesses, and states that 'mentally handicapped' defendants (including those with a learning difficulty) and those under the age of 17 are entitled to an appropriate adult during police questioning. The revised Code of Practice 2014 (Home Office, 2017) introduced a new definition of 'vulnerable adult' replacing references to the Mental Health Act and to 'mentally vulnerable'. It also updated the role description of the appropriate adult and who may or may not act in this capacity.

The appropriate adult's role is to provide support and comfort; to help explain legal terms and the rights of the individual; to give advice; to contact relatives and to ensure the suspect is treated fairly. These roles are particularly important for individuals with learning difficulties to ensure they understand procedures and are aware of their rights during interview. As with all protocols and measures used to support individuals with learning difficulties, the initial stage is to recognise the presence of a learning difficulty, in order to implement the correct support measures. However, the first problem encountered when trying to introduce the use of an appropriate adult is that professionals do not always recognise the client's needs. Leggett, Goodman and Dinani (2007) conducted a study exploring the experiences of fifteen young offenders with learning disabilities who had been interviewed by the police, finding that four of the sample was not informed of their right to an appropriate adult. This finding has been replicated on different occasions elsewhere within the literature (Robertson, Pearson, & Gibb, 1996; Medford, Gudjonsson, & Pearse 2003). More recently, a joint inspection of the treatment of offenders with learning disabilities (HMI Probation et al., 2014) found that, although police were often informed by detainees that they had poor reading and writing skills and some attended Special Schools, these signs were not consistently recognised by the police as potential indicators of a learning disability. As such, it was often not recognised that the young person could benefit from the support of an appropriate adult, thus suggesting a need for further training in order to ensure that those within The Justice System are given access to an appropriate adult if required. Flaws in the assessment of learning difficulties within The Justice System are also discussed later in this literature review.

In addition to difficulties in identifying need, the joint inspection by HMI Probation et al. (2014), found that even when a learning disability had been identified, in only 63% of cases, an appropriate adult was utilised. This finding suggests the need for either better training around the area of learning disabilities for health professionals, or the use of a professional for

whom learning disabilities is within their areas of expertise, for example, an appropriately qualified Educational, Clinical or Forensic psychologist.

In further investigating the use of an appropriate adult, Medford et al. (2003) sampled the audiotapes of 501 adults and juveniles undergoing police interviews, who had learning difficulties or literacy problems. The striking finding within this study identified that the physical presence of an appropriate adult increased both the probability that a legal representative was present and that the legal representative would intervene if questioning became inappropriate. Additionally, with reference to the behaviour of the police during an interview, questioning was deemed fairer and less interrogative pressure was applied to the suspect. However, when considering the nature of the contributions made by the appropriate adult within this study, although the majority of contributions were apt, there were a large proportion of unsuitable responses, particularly when the appropriate adult was a lay person or a family member, as opposed to a professional. Unsuitable responses included: answering questions for the respondent; playing the role of the interrogator and giving responses that were not constructive within the context of the interview. This study could be considered useful in providing insight into the benefits of the presence of an appropriate adult, independent of the verbal contributions made and the value of having legal representation present. However, it also highlights the need for clear guidance to be provided to the appropriate adult, particularly if he/she is a family member.

PACE (Home Office, 1984) guidelines concerning the use of appropriate adults has also been criticised within the literature. Gendle and Woodhams (2005) highlighted that police are expected to be able to make the distinction between learning disabilities and mental illness, yet the Code of Practice (Home Office, 1984) implies that the needs of the two groups are identical and thus, protocol is the same when conducting an interview. Although the 2014 guidance on the revised Code of Practice introduced a new definition of 'vulnerable adult' replacing

references to the Mental Health Act and to ‘mentally vulnerable’, it is still plausible that a lack of distinction between the needs of individuals with learning disabilities and mental illnesses could lead to confusion and a further lack of understanding of the specific needs of those with learning difficulties. Training in this area by a professional, such as an EP, who is well versed in the distinction between the two could aid understanding by CJP and therefore support the provisions offered to YPLDs.

2.4.2 The Youth Justice and Criminal Evidence Act and the Role of the Registered Intermediary

Since the introduction of PACE (Home Office, 1984), the Memorandum of Good Practice (Home Office & Department of Health) was introduced as a guidance document in 1992, which provided specific guidelines for use when interviewing child witnesses. Following on from this, the Home Office published a report, ‘Speaking up for Justice’ (Home Office, 1998) which provided recommendations for the effective treatment of vulnerable witnesses and victims who access The Justice System. The report highlighted the need for effective support for vulnerable adults in addition to the support currently in place for children and young people. In response to this report, the Youth Justice and Criminal Evidence Act (Home Office, 1999) was introduced, which aimed to ensure that all those who provide evidence receive equal access to fair justice at the hands of The Justice System.

Of further relevance, the Youth Justice and Criminal Evidence Act (Home Office, 1999) introduced ‘Special Measures’, which become active when vulnerable victims and witnesses, including those with learning disabilities, give evidence. The list of special measures include: the use of frequent breaks which can be used to ensure the accused is able to follow the proceedings; screens in court to shield the witness from seeing the accused; the provision of evidence in court by way of a live video link; provision of evidence in private; the removal of wigs and gowns whilst the witness’ evidence is being given; the video recording of evidence

in chief in a venue away from the court; the video recording of cross examination evidence; the use of communication aids and finally for evidence to be provided using a registered intermediary (Youth Justice and Criminal Evidence Act, part II, chapter I).

According to this Act, the primary function of the registered intermediary is to facilitate effective communication between the vulnerable witness and the various members of the court. The intermediaries themselves act as an impartial party within all stages of The Justice System and their service is to the court and to the individual whom they are supporting (O'Mahony, 2009).

The responsibility for making a recommendation for a registered intermediary falls to the police officer involved during the initial stages of the police interview. If it is recognised that the witness or victim is vulnerable (i.e. has a learning difficulty), the officer contacts the Intermediary Referral Board to conduct an initial assessment in order to effectively plan the police interview. Following this, the police interview and any subsequent court appearances take place with the intermediary present. Research suggests the CJP should establish the identification of a vulnerable individual with learning difficulties by a professional with relevant experience and qualifications (O'Mahony, 2009). This difficulty is discussed later in the literature review, when discussing barriers to support for YPLDs.

In 2007, Plotnikoff and Woolfson conducted a study to evaluate six 'Pathfinder' projects that initially implemented the intermediary scheme across various areas in the UK. Results of the evaluation were promising, where it was identified that the overwhelming majority of those who encountered the work of an intermediary stated that it was a positive experience. Research identified that the intermediary helped to bring offenders to justice, aided individuals to access equal levels of justice, helped to identify the individual needs of the witnesses and provided useful recommendations regarding effective interviewing of vulnerable witnesses. Specifically,

57% of those individuals who accessed the intermediary scheme did so on the grounds of their poor communication skills and intellectual difficulties, where the remainder of the offenders gained access due to their age or the experience of physical difficulties. Such findings thus further emphasise the large cohort of victims and witnesses who may experience difficulties during the interview process due to the existence of a learning difficulty. Furthermore, it is important to note that referrals to the service were lower than would be expected, which could be due to insufficient identification of the vulnerable nature of certain victims and witnesses by police officers during initial stages of the process as previously suggested.

Further studies that examine the use of registered intermediaries have raised concern about the exclusivity of special measures, particularly that an intermediary is mainly used when interviewing witnesses and victims, as opposed to interviewing defendants and suspects (Fyson & Yates, 2011; O'Mahony, 2009). One might argue that regardless of whether an individual has committed a crime, or has witnessed or been a victim of it, if he/she experiences communication and comprehension difficulties associated with learning difficulties, then he/she should equally be supported through the use of an intermediary to provide the best possible evidence. It is within the power and jurisdiction of the Judge to suggest that vulnerable defendants be questioned with support from an intermediary, however in only a small number of cases have defendants with learning difficulties been granted access to an intermediary during their trial (Jacobson, 2008).

Most recently, and perhaps the most substantial positive steps for defendants, has come with the implementation of the Coroners and Justice Act (Home Office, 2009). Section 104 of the Act states that any examination of the accused through an intermediary can take place where: "the accused suffers from a mental disorder (within the meaning of the Mental Health Act 1983) or otherwise has a 'significant impairment of intelligence and social function and the accused is for that reason unable to participate effectively in the proceedings as a witness giving

oral evidence in court”. As this legislation is relatively recent, the research surrounding the use of intermediaries with defendants with learning difficulties is somewhat limited. However, it does seem to be a positive step towards achieving the best evidence from vulnerable defendants.

In conclusion, the support and provisions in place for individuals who have learning difficulties has progressed considerably over the past twenty years. PACE (Home Office, 1984) still remains important in highlighting the need for the use of an appropriate adult to ensure fair treatment of suspects with learning difficulties during police interviews and the Youth Justice and Criminal Evidence Act (Home Office, 1999) has been decidedly influential in allowing special measures to be implemented when learning difficulties are identified. Furthermore, the intermediary has proven particularly beneficial in facilitating effective communication between the witness/victims and professionals encountered during the criminal justice process.

However, there is still some way to go in effectively supporting those with learning difficulties who encounter The Justice System, as O’Mahony, Smith and Milne (2011) argue that the largest barrier yet to be overcome is the early identification of vulnerable victims, witnesses and suspects who have a learning difficulty and implementing an appropriate level of support. This role tends to fall to the police, who first encounter these individuals and it is often their duty to recognise difficulties in order to make referrals and secure the appropriate safeguards, including access to appropriate adults and registered intermediaries. O’Mahony et al. (2011) argue that such inadequate levels of early identification by police could be due to a lack of appropriate guidance, knowledge and training. This might ultimately lead to a lack of awareness and confidence in recognising the signs of a learning disability, which may remain the largest barrier for those who encounter The Justice System.

2.5 Barriers to Appropriate Support within The Justice System

In order for The Justice System to be equal, everyone who encounters it, in whatever capacity, should have access to an equal level of justice. Those with learning difficulties/disabilities may require specific measures of support in order to be able to engage with the justice process appropriately with suitable equality (outlined above) (Equality Act, 2010). Unfortunately, there are evident gaps within the present support system and legislation for those who experience learning difficulties. These barriers have emerged due to a lack of recognition of the specific needs of young people with learning disabilities (Herrington, 2005; Hayes, 2007; Loucks, 2007; HMI Probation et al., 2014), where combined with a discrepancy between the required and available support, such factors have negatively impacted upon the level of justice that young people with learning disabilities receive throughout the different stages of The Justice System (Mottram & Lancaster, 2006; Fyson & Yates, 2011; Jones & Talbot, 2010).

2.6.1 Reporting Crime

Prior to involvement with The Justice System, witnesses or victims of criminal offences must make the initial decision to make an official report to the police. This is where the first barrier to equality within The Justice System emerges, as some individuals may feel as though their official report will not be taken seriously amongst CJP, by virtue of their learning disability (Sharp, 2001b). The police play a key role in providing access to The Justice System to individuals either with or without learning disabilities (Sharp, 2001a; Sharp, 2001b) and so therefore it is crucial that they can adequately enforce the law by employing a non-discriminatory attitude.

Beadle-Brown et al. (2013) conducted a survey entitled 'Living in Fear' which examined the experiences of 220 individuals with learning disabilities within the UK. This study identified

that 63% of individuals with a primary diagnosis of a learning disability had experienced a form of victimisation. Of this sample, 40% of individuals were physically hurt, 15% were touched on private parts of their body, 34% received threats and 76% were subject to verbal abuse. Further to this, the findings identified that victimisation occurred in diverse locations by multiple perpetrators, where 77% of individuals with learning disabilities reported experiencing more than one incident of victimisation. Such findings thus highlight the prolific experience of multiple domains of victimisation amongst a learning disability sample. Of particular importance, 62% of individuals did not report the incident to the police, with the following statements being identified as reasons for not reporting: “It was not serious enough”, “Someone else decided it was not serious enough”, “Scared, or scared they would be arrested themselves”, “Did not know they should have”, “Worried they could not explain” and “Didn’t want the police involved”. The findings thus emphasise that individuals with learning disabilities have a limited understanding of their rights to report a crime, alongside a negative perception of police involvement and response to the disclosure of victimisation.

Further highlighting the negative experiences of reporting a crime to the police, in a UK sample of 904 individuals with learning disabilities in the UK, Mencap (1999) identified that a proportion of the sample expressed that reporting incidents to the police rarely resolved the problem and that the police often acted ‘offhand’ or in a dismissive manner. One male stated: “The police are terrible with people with a learning disability. I told them and they didn’t believe me because I have learning disabilities ... They don’t listen or take us seriously” (Mencap, 1999, p. 13).

The negative perceptions of reporting a crime, combined with negative responses from the police are likely to promote insecurities in YPLDs, who may subsequently feel as though they are being unfairly treated by CJP. Such a perception may also instil a lack of confidence in the

service provided by the police, especially as the Beadle-Brown et al. (2013) survey identified that 62% of individuals who experienced victimisation chose not to report the crime.

2.5.2 Multi-Agency Working

In a vulnerable population such as those with learning disabilities, it is reasonable to argue that many people with a learning disability will require or be dependent on others to support them in accessing The Justice System. It is therefore important that the multitude of different agencies who work with such individuals, health services, criminal justice agencies and educational bodies, for example, all work effectively to facilitate the support of vulnerable people.

The 'No One Knows' project (Jones & Talbot, 2010) highlighted a tendency amongst care workers and educational bodies, who provide services to those with learning disabilities, to avoid acknowledging offending behaviour by YPLDs and to avoid the involvement of The Justice System when offending behaviour occurs. Findings suggested that these professionals did not feel confident that the individuals concerned would be dealt with in an effective manner (Jones & Talbot, 2010). Instead, offending behaviour by an individual with learning disabilities was considered to be 'challenging behaviour' and dealt with according to their own internal protocols. In cases of offending behaviours, such behaviours need to be addressed both for criminal equality and in particular for the opportunity to learn boundaries. It is important that an offender, regardless of learning disabilities, receives support in order to understand the consequences of their actions and in an attempt to deter them from repeated offending behaviour. Indeed, it is important that potential victims are also protected against future criminal incidents, thus further consolidating the need for the offending behaviour of individuals with learning disabilities to be dealt with through The Justice System.

A study by McBrien and Murphy (2006) examined carer views regarding the reporting of hypothetical criminal acts committed by individuals with learning disabilities. The study established that carers showed a reluctance to report crimes that were perpetrated by these individuals and in 17% of cases, the carers stated they would not report rape, if it had occurred at the hands of someone with learning disabilities. Such a perception has been found to further erode multi-agency working when these views are contrasted with that of the police (Lyll, Holland, & Collins, 1995). It should, however, be noted that the findings of McBrien and Murphy (2006) are only representative of a hypothetical situation, thus it is plausible that if a real crime had been committed, there may be a disparity between their preconceived reactions and their actual actions. Reluctance to acknowledge the severity of criminal activity has also been evidenced in educational establishments. A survey by Fyson (2007) highlighted that sexually inappropriate behaviours in YPLDs were common, having been reported in 88% of the schools surveyed, 15% of which referred to serious cases of sexual misconduct. In these instances, the schools showed a preference towards contacting child welfare agencies as opposed to criminal justice agencies. Some staff stated that they feared the offending child would be labelled as an 'abuser' if they were reported, leading to a reluctance amongst staff to report it. In addition, staff demonstrated a lack of knowledge and confidence in determining whether behaviours warranted intervention from external agencies. The reluctance of staff to report sexually inappropriate behaviour may further sustain the suggestion that there is a lack of confidence in The Justice System's ability to support vulnerable individuals, particularly those with learning difficulties.

It could be suggested that all agencies working with individuals with learning disabilities should have a consistent understanding of their role and the potential role of other agencies such as The Justice System. It has also been highlighted how important policy and practice is, for example, protecting young people and labelling behaviour as challenging, caution in

reporting behaviour, both of which come from a poor understanding of long term consequences and of the policy and practice of others. This could be addressed by ensuring that appropriate training and on-going CPD support is in place for The Justice System to focus on understanding how to identify and work with people with learning difficulties in an appropriate manner.

2.5.3 Identification Procedures and Screening for Learning Difficulties and Learning Disabilities

As already highlighted, the issue of identification of learning difficulties becomes important as soon as one enters The Justice System. Without identification, the entitled support may not be granted and any evidence gathered could be deemed inadmissible in court. To be eligible for special measures at court, an individual has to be classified as a vulnerable or intimidated witness under Sections 16-33 of the Youth Justice and Criminal Evidence Act (1999). An independent review by Lord Bradley (2009) looked at ways in which those experiencing mental health problems or learning disabilities could be accommodated in other services outside of prison. Lord Bradley stated: “By ensuring early identification and assessment, along with improved information sharing, there will be better informed charging, prosecution and sentencing decisions” (Bradley, 2009, p. 149). Lord Bradley concluded his review by stating: "The first step to the effective management of offenders is the existence of good early identification and assessment of problems, which can inform how and where they are most appropriately treated,” (Bradley, 2009, p. 149).

The police, judges and solicitors, etc., are all paramount in The Justice System in recommending the receipt of special support measures for suspects, victims and witnesses. However, a problem emerges when a police officer (as the initial point of contact in The Justice System) does not recognise the presence of a learning disability, which can often occur when the disability is not obvious or when it falls within the mild or borderline range (Hayes, 2007).

A joint inspection of the treatment of offenders with learning disabilities (HMI Probation et al., 2014) found that 58% of detainees with learning disabilities did not have their learning disability identified whilst in the care of the Crown Prosecution Service (CPS). This suggests that there is perhaps a problem with how the police identify those with a learning disability. Further to this, the study also identified that the layout of many of the police custody suites meant that the detainees had a lack of privacy, thus potentially reducing the possibility that a detainee would disclose a learning disability due to the environment not being conducive to a detainee's needs. Although the sample in this study was limited to 36 detainees, the findings nevertheless indicate that in recent years there is still a potential shortfall in the identification of learning difficulties by the police.

In some instances, upon arrest, the police rely upon the individual to disclose the presence of a learning difficulty. However, Clare and Gudjonsson (1991) ascertained, during a study examining individuals with learning disabilities and their experiences in police custody, that only a third of the sample could understand the importance of informing professionals of their learning disability. Negativity surrounding the label of a learning disability may also act as a barrier to the self-reporting of difficulties, due to a fear of being stigmatised. Additionally, it would appear that there is not a systemic screening process in place to identify learning disabilities in young offenders in the UK (Ford et al., 2008). The lack of an appropriate screening process thus reinforces the suggestion that efficient identification of learning disabilities should be a priority issue, particularly within the initial stages of The Justice System (Ford et al., 2008; Chitsabesan & Bailey, 2006).

The problem of identification also extends to the experiences of offenders when they are sentenced. Prison staff who participated in the 'No One Knows' project (Jones & Talbot, 2008) stated that the majority of prisoners are unlikely to be accompanied by documentation which states a diagnosis of a learning difficulty/disability (this includes GP notes, expert witness

reports or screening assessment notes), and only 13% stated that they themselves would be alerted if an offender had learning difficulties. Therefore, information about a new prisoner may not always reach prison personnel, even if a formal diagnosis of a learning disability had been made. It is of note that prison personnel have access to health and educational assessment resources which may have the potential to screen for learning difficulties and disabilities (Foundation for People with Learning Disabilities, 2013). However, Hayes (2007) highlights that these assessments tend to be very brief, are not comprehensive enough to diagnose a learning difficulty in many cases and may often be conducted by those who have not received sufficient enough training to recognise learning difficulties. Moreover, even if the entry screening assessments were to be completed by appropriate professionals, there are currently no screening assessments that are specifically and consistently administered to determine the presence of a learning difficulty or the accuracy of the assessment (Hayes, 2007; Jones & Talbot, 2010).

Therefore, one would assume that if assessments were carried out by those with more experience of recognising learning difficulties (e.g. an EP using standardised tests), identification would more likely be accurate. However, to be certain of this, comparative studies would need to be undertaken to establish the validity of the assumption.

Further research emphasises the difficulty in identifying young offenders with learning disabilities due to the high co-morbidity of psychiatric illness (estimated to be approximately 41-50%) or behavioural disturbance amongst this group (Hall, 2000). Misdiagnosis of psychiatric disorders for instance, could result in placement in a secure psychiatric unit, which may be unsuitable for the needs of a learning disabled offender. Indeed, if behaviour is misinterpreted as a behavioural disorder and not considered to be a product of a learning disability, the cause of the problematic behaviour may go unrecognised, resulting in inappropriate and ineffective support being provided (Kvarfordt, Purcell, & Shannon, 2005).

Jones and Talbot (2010) highlight that there is a distinct lack of adapted offender behaviour programmes that are tailored towards meeting the specific needs of young offenders with learning difficulties/disabilities within secure settings. Subsequently, if a young offender experiences comprehension and literacy issues, early identification is paramount to enable participation in particular advanced programmes within the prison, to be either supported or excused.

In summary, results of previous literature suggest that the present methods of identification are absent in many cases and ineffective in others and consequently, neither is the present support offered to offenders with learning disabilities considered to be adequate.

2.5.4 Difficulty with Understanding Police Caution and Rights

Based on the Police and Criminal Evidence Act (PACE) and the Codes of Practice (Home Office, 1984), when arrested, a suspect undergoes a certain procedure involving various stages, where initially the individual is informed of their right to remain silent. This is a three sentence extract which states the following:

You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence (PACE, 1984, p. 34).

The caution is recited upon arrest and has been the subject of much debate, specifically, regarding its complexity of language and the lack of ease with which it can be understood. The current caution was considered to be a simpler version than the previous one used, however, considerable research demonstrates that even the present, simplified police caution, provokes confusion.

Clare, Gudjonsson and Harari (1998) examined the understanding of three groups regarding the current police caution. They found that if taken a sentence at a time, one in ten of the general population sample could understand it, six in ten of the sample of 'A-Level' students studying for university could understand it and nine in ten of the sample of police officers could understand it. When tested on their understanding when the three line caution was given as a whole (as it would be upon arrest), understanding was further compromised. Subsequently, if a suspect is considered by the police to have not understood the caution, then it must be explained to them by the officer (PACE, 1984). Therefore, it would be expected that every police officer with the power to recite the caution should at least be able to understand it themselves; shown not to be the case in this study. The difficulties with language and comprehension experienced by those with learning difficulties would almost certainly have a negative impact on their understanding of the caution (Murphy & Clare, 1998).

Upon arrival at the police station, the suspect must also be informed of his/her rights, which are summarised as: the right to access free legal advice; the right to inform someone of their arrest; the right to consult the Codes of Practice and the right to have a copy of the custody record. Finally, the suspect is provided with the 'Notice to Detained Persons'; a piece of written documentation that reiterates all of the above mentioned rights.

Clare and Gudjonsson (1991) compared individuals of 'average' intelligence with those who have a mild learning disability, on their understanding of the Notice to Detained Persons. It was identified that reading the notice improved the recall of their rights in those individuals with average intelligence. However, it was crucially identified that those with a mild learning disability recalled less than those of average intelligence. Additionally, in further conditions following repeated exposure, the individuals with a mild learning disability could still not recall more details regarding their rights, therefore, suggesting that their difficulty lies within their lack of understanding of the notice, as opposed to difficulties in memory recall. Similarly,

Gudjonsson, Clare and Cross (1992) found that understanding of the notice amongst 31 volunteers correlated significantly with intellectual ability, whereby those with learning disabilities least understood the notice. Although this research is relatively dated and employed a relatively small sample size, the findings demonstrate a striking difficulty experienced by those with learning disabilities, as only 8% of those with intellectual disabilities fully understood the notice, compared to 80% of their average ability counterparts.

More recently, in March 2013, the Notice to Detained Persons was updated and now includes a pictorial version of the notice. This is a promising development in recognising the specific needs of offenders with learning difficulties as the use of a pictorial notice may make the rights easier to understand for those individuals with learning difficulties. Such a development demonstrates that The Justice System is taking steps in order to become more accommodating to those individuals with learning difficulties. As this is a more recent development, it would be beneficial if replications were made of the studies by Clare and Gudjonsson (1991) and Gudjonsson et al. (1992) in order to ascertain whether those with learning difficulties now demonstrate a greater understanding of the Notice to Detained Persons as a result of the pictorial aids.

2.5.5 Accuracy Related to Eye Witness Recall

Historically, there has been debate surrounding the accuracy of evidence that can be provided by someone who has a learning difficulty, where in some cases, this has facilitated the belief that individuals with learning difficulties do not make credible witnesses. In one respect, it may be true that these individuals may experience certain problems with the various stages of memory retrieval (Brown & Geiselman, 1990), however, hindered memory retrieval alone does not necessarily mean that their evidence may not be credible.

Perlman, Ericson, Esses and Isaacs (1994) compared the eyewitness recall of a sample of individuals with learning disabilities against a sample of those without. They administered four different question types, for which they found the accuracy of recall was dependent upon the question type being asked. For example, free recall and open questions produced greater accurate recall results from both groups. However, a discrepancy emerged in the amount of information that was recalled, with the learning disabilities group recalling less information than the non-learning disabled group. Both groups had more difficulty responding to direct, closed questions and comparatively those with learning disabilities struggled with direct questions to a greater extent. The findings that closed and direct questions are less likely to elicit accurate information has also been replicated in a more recent study by Stobbs and Kebbell (2003), thus further strengthening the support for the original findings.

Dent (1986) examined the effect of question type on recall, specifically when used with young people with learning disabilities. As hypothesised, free recall produced the best results in terms of both accuracy and completeness of recall. Henry and Gudjonsson (2003) also found that amongst young people, the more severe the degree of learning disability, the less information was recalled, particularly in relation to direct and probing questions. This is a consistent finding across the literature and thus demonstrates that direct questions are not likely to elicit accurate and complete recall (something which is desirable within The Justice System), from those individuals with learning disabilities. However, recent findings from Benabou and Tirole (2011) suggest that memory recall tends to be based upon individuals' own values and expectations. Based upon the aforementioned findings, it would therefore appear important that witnesses should be asked more open-ended questions such that they can tell a story and understand their recall within the frame of the story.

The propensity to provide less accurate recall in young people and adults with learning difficulties when asked direct or specific questions may cause problems during cross

examination within court. The role of the jury is to evaluate the accuracy of the evidence provided by witnesses/victims and defendants. Research into jurors' decision-making process identified that jurors credit evidence more highly when finer details are produced (Bell & Loftus, 1989). A tendency for jurors to rely upon specific details when making a decision may be problematic for YPLDs, as they are less likely to respond well to closed questions that seek to elicit such finer details. Additionally, Wells and Leippe (1981) found that during a mock trial, the jury discredited witnesses who had their memory for peripheral details heavily scrutinised during cross-examination. It should however, be noted that Wells and Leippe (1981) investigated such findings on a mock jury and therefore based upon this research, it is unclear as to whether a real jury would act in a similar manner. Furthermore, it is important that the cues which jurors use in determining the credibility and accuracy of evidence provided by those with learning disabilities do not have a detrimental effect on this vulnerable group, particularly as evidence would suggest that memory for core details in those with learning disabilities tends to be reasonably accurate (Kebbell & Hatton, 1999).

Given the evidence base that certain question types facilitate more accurate communication of evidence in those with learning difficulties, it would be expected that certain interview techniques would be favoured for use with this group. For example, the cognitive interview is based on retrieval mnemonics (Geiselman, Fisher, MacKinnon, & Holland, 1985), where it utilises specific memory retrieval techniques to help enhance memory recall to maximise the details which can be elicited from one's memory. Milne et al. (1999) identified that this particular interview technique has been encouraged for use during police interview.

Research into the efficacy of the cognitive interview with individuals with learning difficulties has therefore been important in determining the value of the technique to help facilitate accurate evidence retrieval. Milne et al. (1999) compared 47 adults with mild learning disabilities to 38 adults from the general population on two types of interview techniques; the

cognitive interview and the structured interview. The key findings established that the cognitive interview was effective in enhancing the amount of information recalled in both groups of participants, as compared to the structured interview. Despite this, the cognitive interview increased the number of person specific confabulations (inaccurate recall of events/features) produced by the learning disability group. These findings suggest that the cognitive interview may be useful when increasing the amount of information recalled in witnesses with learning disabilities during an interview; however, it can also lead to inaccurate information being provided. Although these findings are important, it should be noted that the study utilised a relatively small sample size and thus the findings may subsequently not be representative of the entire population of those with mild learning disabilities. Furthermore, the research specifically focused on those individuals with mild learning disabilities and as such may not be applicable to individuals with more severe learning disabilities who come into contact with The Justice System. Nonetheless, the potential for elevated levels of confabulation during a police interview should be borne in mind, particularly as other studies have supported these findings (Brown & Geiselman, 1990).

With reference to a particular learning disability, Cederborg and Lamb (2008) highlighted that the characteristics of Autistic Spectrum Disorders (ASD) in individuals may affect both the quality of the information they can recall and the reception that their evidence might receive when presented both during police interview and in court. Individuals with ASD may find specific tasks difficult including: perceiving and encoding events and accurately perceiving and understanding the emotions of others, whilst acknowledging that other people have different thought processes and intentions (Baron-Cohen, 1989). Therefore, the evidence provided by a witness with ASD could appear to be lacking in credibility, if for example, they were unable to explain how or why an individual was acting in a certain way when conducting a crime. Indeed, they may have been a witness to a crime but may not have understood the

intentions of the perpetrator's behaviour. This could mean that the witness may be unable to inform the police of key facts in a witness statement, thereby reducing the quality of any information provided. It would be important for professionals in The Justice System to be aware of this finding in order to enable a greater understanding for those witnesses with ASD when giving evidence. Cederborg and Lamb (2008) also examined the use of questioning with young victims of crime with learning disabilities during police interview. An analysis of the police interviews found that, contrary to the body of evidence listed above, based around effective questioning techniques for people with learning disabilities, the interviews relied heavily on closed/focused questions, in which a very specific response was required. As previously identified, the use of these types of questions is more likely to elicit inaccurate information in those with learning disabilities. Therefore, there is still a requirement for a supportive and consistent approach to be implemented when questioning individuals with learning disabilities within The Justice System, particularly when attempting to achieve the most accurate recall will subsequently be used as evidence.

2.5.6 Suggestibility, Acquiescence and Confabulation during Police Interviews

In addition to the problems associated with various methods of questioning used during interviews, research into the typical responses provided by those with learning difficulties established certain patterns. Clare and Gudjonsson (1995) identified that individuals with learning difficulties were found to be more likely to acquiesce and to comply with suggestible questions and to confabulate during interview. Confabulation occurs when someone "replaces gaps in their memories with distorted or fabricated material" (Clare & Gudjonsson, 1995, p. 114). They also describe the term 'acquiesce' as the "tendency to answer questions in the affirmative irrespective of their content" (Clare & Gudjonsson, 1995, p. 113). Suggestibility refers to compliance with leading questions worded to elicit a specific response. Interrogative

suggestibility has been specifically described as composing of two aspects: firstly, when one is misled by deliberately leading questions; and secondly, when one changes one's answers due to negative feedback (Clare & Gudjonsson, 1995). Responses to these questions are likely to decrease the accuracy and the credibility of an individual's evidence.

Furthermore, Sigelman, Budd, Weiner, Schoenrock and Martin (1982) established that an individual's IQ correlated with their likelihood of acquiescence on 'yes' or 'no' response type questions, with a lower IQ increasing the likelihood that someone agreed with the question. Additionally, Clare and Gudjonsson (1993) directly compared a participant group with learning disabilities against a group from the general population, where it was highlighted that those with learning disabilities were more likely to comply with leading questions and produce a higher number of confabulations. Additionally, Perlman et al. (1994) found that those with learning disabilities had particular difficulties answering questions that were deliberately misleading. These findings have implications for the police interview process and it places considerable responsibility within the hands of the interviewer to ensure that questions are not misleading or suggestive, as this may have extremely negative implications for the interviewee. For instance, Perske (1994) cited examples of profound miscarriages of justice, whereby individuals with learning disabilities following hours of police interrogation confessed to crimes that they did not commit. Although these findings are undoubtedly important to the present research, it should be noted that the studies were carried out more than twenty years ago.

When considering the susceptibility of young people to leading questions, Henry and Gudjonsson (2003) explored the use of the Gudjonsson Suggestibility Scale (GSS) as a measure of the construct of interrogative suggestibility (the extent to which behavioural responses are affected within a closed social interaction, such as formal questioning). In a sample of children, those with mild and moderate learning disabilities demonstrated a higher number of altered

responses when repeatedly asked questions about a specific event compared to a sample from the general population. Overall, the GSS was considered to be a good predictor of the performance of the eye witnesses during recall.

A further study by Gudjonsson and Henry (2003) utilised the GSS, where memory was used as a covariate during the analysis of recall in children and adults. This approach allowed for elimination of memory difficulties within the learning disabilities group, when compared to the control sample. The findings of this study demonstrated that even when differences in memory are controlled, young people with learning disabilities continue to demonstrate increased suggestibility scores. Therefore, high suggestibility levels in young people with learning disabilities cannot be entirely attributed to inherent memory difficulties.

Clare and Gudjonsson (1995) hypothesised that suspects with learning disabilities do not fully understand the consequences of their statements during police interviews, nor the implications that the interview may have, hence, why confabulations, suggestibility and acquiescence are common. In order to test this theory, Clare and Gudjonsson (1995) showed a fictional film of a police interrogation where the suspect made a false confession. The authors examined the perceptions of a group with learning disabilities and a non-learning disabled group. Results indicated that participants in the learning disability group were less likely to appreciate that the police interview and confession would have serious implications for the suspect. Additionally, participants in this group also believed that when a false confession took place, the suspect would be found innocent due to the fact that he/she did not commit the crime, even though he/she had already confessed to it. The findings of this study demonstrate potential flaws in the consequential thinking of those with learning disabilities, particularly, as they failed to acknowledge the impact a confession may have, even when it is false; therefore, making them vulnerable during interviews.

2.5.7 Difficulty Understanding Court Procedures and Vulnerability during Cross Examination

Within the court arena, witnesses, victims and defendants provide their evidence to a judge and jury and are questioned by two legal teams. Kebbell, Hatton and Johnson (2004) summarise this process in two stages. Firstly, evidence in chief is an open account of the circumstances surrounding the case. Secondly, cross examination occurs, whereby evidence is provided based on the questioning of the opposing lawyer. Cross examination tends to make use of intensive questioning styles in order to elicit certain information from the individual being questioned (Wellman, 1997). This has implications for the types of questions used within court for people with learning difficulties, such that issues of confabulation, suggestibility and acquiescence are not only confined to police interviews.

Research examining the types of questions used by barristers during cross examination found a high frequency of sentences containing confusing syntax including: ‘negatives’ (sentences which contain the word ‘not’); ‘double negatives’ (sentences which use the word ‘not’ twice) and ‘multi-part questions’ (questions involving multiple parts which all require different answers) (Kebbell et al., 2004). Perry et al. (1995) compared the answers provided by children and young adults to simply phrased questions and complex questions. The participants within the sample had most difficulty answering multi-part questions, closely followed by questions that use negatives or double negatives. In comparison, the simply phrased questions were much easier to answer. It is likely that people with intellectual limitations or learning difficulties are not likely to understand a large proportion of what is asked of them if complex or opaque grammar structures or linguistic strategies are used. It would also be reasonable to assume that the language and comprehension difficulties experienced by someone with learning difficulties would exacerbate these issues. Additionally, leading questions are popular amongst cross

examining barristers, whereby the use of these questions could considerably disrupt the evidence given by a particularly suggestible witness (Clare & Gudjonsson, 1993).

Kebbell et al. (2004) also examined court transcripts in order to compare the types of questioning used during cross examination on a sample of individuals with learning disabilities and a sample of non-learning disabled witnesses. The transcripts revealed that questioning between the two groups did not vary and that barristers relied heavily upon complex questions, terminology and statements. It was therefore suggested that the cross examination questioning produced inaccurate evidence for both groups, but particularly for those witnesses with learning disabilities. Additionally, when considering the experiences of children and young people (aged between 8 and 16 years), Zajac, Gross and Hayne (2003) examined court transcripts and found that barristers frequently used complex and confusing language as well as leading questions. It is suggested that without suitably adapting the cross-examination of witnesses based on these characteristics, adequate measures to ensure equal access to justice cannot be implemented.

Plotnikoff and Woolfson (2009) published a report which explored the experiences of 132 children during cross examination. The majority of the witnesses who participated experienced communication difficulties, often due to the use of complex language or questions being asked too quickly. Interestingly, over half of the sample did not tell the court when they were confused during cross examination, where participants further explained that they sometimes felt as though words were being put in their mouth by the cross examination team. Of particular importance, 57% of the sample stated that they were accused of lying, half of the sample described the defence barristers as rude, cross, aggressive or sarcastic, and only a few of the sample said that the judge intervened due to inappropriate questioning. These findings demonstrate that the experience of cross examination for children and young people can be extremely difficult and that it is only worsened by complex and difficult questions. It must be

noted that this research was carried out on children who were not experiencing learning difficulties and so the implications for YPLDs is unclear. However, it would be expected that the negative experiences identified by this research would be exacerbated if a child or young person additionally experienced the language and cognitive deficits associated with a learning difficulty.

Summary

As identified throughout the literature, individuals with learning disabilities present with a wide range of complex needs that often appear to not be fully recognised or understood by professionals when they enter The Justice System. Research by HMI Probation et al. (2014) concluded that court staff do not receive specific training in how to recognise or deal with those who have a learning disability. They also found that the whole court process did not seem geared towards assisting those with a learning disability. For example, there were not any 'easy-read' leaflets and posters readily available in the courts visited. It could therefore be argued that the lack of such a simple provision, as well as the lack of specific training for court staff, is likely to have a detrimental effect on the court experience for those with learning disabilities, thus, further intensifying the failing of The Justice System to provide equal access to justice for individuals with learning disabilities.

It is clear that The Justice System is not an ideal environment to cater for YPLDs, as various barriers have emerged based on the inherent language, comprehension and social difficulties of this particular group of people. In order to address these barriers and provide equal access to justice, support needs to be tailored to the specific needs and abilities of individuals with learning difficulties. It could be argued that the aforementioned barriers may be exacerbated, due to the inadequate identification of learning difficulties throughout all stages of the criminal justice process. Without identification and with a lack of training, learning difficulties are often

not recognised, approaches are not adapted and special measures not employed. It is important therefore that developments take place within The Justice System that ensure the appropriate understanding and practice towards facilitating the needs of YPLDs, and there is better joint working between agencies including clearer and agreed policy and practice.

2.6 Knowledge and Attitudes of Criminal Justice Personnel

An important factor to consider when ensuring those with learning difficulties/disabilities gain fair and equal access to The Justice System, is the knowledge and attitudes of those who work with this vulnerable population. It is important that the CJP have a good understanding of what a learning difficulty/disability is and how this can affect the way both witnesses and defendants will respond when progressing through The Justice System.

2.6.1 Knowledge and Attitudes of the Police

The attitudes and perceptions of police officers are extremely relevant since the police often act as gatekeepers in The Justice System (Hayes, 2004). Research investigating police officers' views of people with learning disabilities has generally focused upon their beliefs and attitudes regarding victims, as opposed to offenders (Sharp, 2001b; Bailey, Barr, & Bunting, 2001). Rosser (1990) argued that investigators and other CJP often under-estimate people with learning disabilities. Rosser (1990) also suggested that from the early stages of the investigation, investigators frequently hold the view that victims with learning disabilities are incapable of giving evidence. It appears that such perceptions at the beginning of an investigation can have detrimental implications for the case and the course of the trial and all other related proceedings.

In order to minimise the negative perceptions of learning disabilities, the Roeher Institute (1993) has appealed for significant efforts to be carried out by police officers in order to prevent and avoid negative stereotyping towards people with learning disabilities. They state that the majority of negative attitudes held by police officers are associated with the notion of the apparent credibility of the victim and whether he/she may exaggerate or give unreliable accounts to the police. The Roeher Institute (1993) also state that police officers may hold the view that individuals with learning disabilities have poor memories and may be incompetent and untrustworthy witnesses, due to them being unable to comprehend the meaning and significance of telling the truth.

A study conducted by Bailey et al. (2001), used the Attitudes towards Mental Retardation and Eugenics (AMRE) questionnaire to examine the views of police officers in Northern Ireland. This study ascertained that a proportion of the officers endorsed eugenic attitudes. Some of the attitudes displayed were in disagreement with the Code of Ethics set out by the Royal Ulster Constabulary that highlights performance based on the notions of respect for human dignity and impartiality. The study also established that taking part in awareness training had positive effects on police attitudes towards people with learning disabilities and resulted in a decrease in support for eugenic based views and attitudes. Furthermore, research conducted with young people in minority groups validated the possibility of police attitudes being amenable to change (Rabois & Haaga, 2002). According to Hayes (2004), further stigmatisation by police may occur when the victim suffers from both mental illness and learning disabilities. As such, there already appears to be a misconception that a learning disability equates to mental illness and when it does so, this may lead to further negative stereotyping; as police have been shown to demonstrate a lack of understanding of mental illness (Kimhi et al., 1998).

In a study by Keilty and Connelly (2001) police officers were asked about their perceptions of offenders with learning disabilities who had committed sexual offences. It was identified that the police felt that if the cases were to reach trial, the jury may in fact be sympathetic towards the perpetrator with learning disabilities or even doubtful that an individual with learning disabilities could commit such a crime and that legal redress was unlikely. Additionally, police officers appeared to hold the view that the crime was less serious if committed by a person with a learning disability, than a non-learning disabled person and considered that perpetrators with such difficulties could not be held responsible. However, it must be noted that this finding may not represent the views of all police, due to the relatively small sample size of thirteen police officers. It should also be noted that the study was carried out in Australia and as such attitudes of police officers in the UK may differ cross-culturally. A replication of this study with a larger sample of UK police officers would help strengthen the validity of these findings.

Conversely, McAfee, Cockram and Wolfe (2001) found that police officers judged those with learning disabilities who had committed crimes to be less believable and more dangerous, whereby they also believed the crimes they had committed to be more serious, as compared to non-learning disabled offenders. However, the officers stated that there should be less severe action taken against the perpetrator with learning disabilities, supporting previous findings. In addition, it was reported that the officers sympathised more with victims who had learning disabilities, but they had greater disdain and doubt if the perpetrator had a learning disability. The aforementioned studies (McAfee et al., 2001; Keilty & Connelly, 2001) highlight that the police show differing attitudes towards people with learning disabilities depending on whether they are victims or offenders and judge them differently when compared to their non-learning disabled counterparts. Police behaving inconsistently, sometimes being more tolerant of people with learning difficulties and at other times less tolerant, indicates there is an uncertainty

about how to respond and react, possibly identifying a need for further police training appertaining to individuals with learning disabilities.

In a study conducted by Hellenbach (2011), fifteen custody sergeants from Manchester, Merseyside and Cheshire Police indicated that there was a great deal of confusion surrounding what defines and characterises an individual with learning disabilities and the rights assigned to the person in question were dependent upon the custody sergeant's professional judgement, particularly in relation to the assignment of an Appropriate Adult. It was also evident that during the criminal justice process, problems arising from strict performance targets for the custody sergeants to process detainees quickly considerably compromised the offender concerning support and assistance. Whilst this information is recent and potentially useful in identifying the confusion experienced by professionals with regard to those with learning disabilities, it must be noted that the study only interviewed fifteen custody sergeants. Therefore, due to the small sample size, the findings must be interpreted with caution and a larger sample size would provide better generalisability to custody sergeants in the UK as a whole.

Furthermore, Gendle and Woodhams (2005) found that police officers were often concerned that the use of an Appropriate Adult was not always suitable, as he/she may be untrustworthy (if he/she was a family member) or may make inappropriate contributions (Medford et al., 2003), with some officers stating that an Appropriate Adult was often unassertive and therefore provided limited support. Additionally, the study ascertained that, although the police officers were experienced (mean service of 8.25 years), they were often confused in their understanding of learning disabilities and were anxious about diagnosing learning difficulties accurately. However, it should be noted that again, this study only interviewed a small sample of police officers and therefore it is not representative of the views of all police officers.

Hayes (2007) points out that as police officers are often likely to take into account specific cues displayed by interviewees in order to establish whether they are telling the truth, individuals with learning disabilities may be at a disadvantage. Altering posture, fidgeting and covering the eyes or mouth with the hand when talking are all signs of a learning disability but could be deemed as potential signals of dishonesty to the untrained eye. Although these signals are often proved to be unreliable, police and other CJP may still interpret them as accurate indicators of dishonesty and deceit. This may lead to the police officer rebuffing their account.

The above studies further highlight the benefits of a training facility providing courses to inform police officers and improve their confidence in supporting YPLDs who encounter The Justice System from professionals with a background in learning difficulties and educational psychology.

2.6.2 Knowledge and Attitudes of Other Professionals within The Justice System

A study carried out by McGillivray and Waterman (2003) examined the knowledge of 96 solicitors with regard to offenders with learning disabilities through their anonymous response to a questionnaire. They found that a number of solicitors were unaware that people with learning disabilities may attempt to hide or disguise their disability and that one in five solicitors assumed that identifying the existence of a learning disability in a client was a reasonably straightforward process. Solicitors were also unaware that individuals with learning disabilities may have a desire to please and often lack an understanding of their rights under the law, such as their right to remain silent. Furthermore, there were challenges that arose from this lack of knowledge, for example with important ethical issues, such as taking instructions from the client directly, instead of from his/her parent.

In an Australian study, Cockram, Jackson and Underwood (1993) investigated the attitudes, perceptions and beliefs of judiciary towards people with intellectual disabilities, carrying out interviews and administering questionnaires to magistrates, supreme court judges and district court judges. It was found that members of the judiciary expressed some knowledge and awareness of the problems that people with intellectual disabilities may face and acknowledged the fact that people with intellectual disabilities may be disadvantaged in their contact The Justice System. For example, members of the judiciary demonstrated awareness that people with intellectual disabilities may be susceptible to leading questions and may not understand certain rights, such as their right to remain silent, whereby they identified that judges were supportive of measures being implemented to help overcome some of these barriers. However, as Hayes (2007) notes, in the UK, no striking progress has been made in translating these beliefs and attitudes into the court room setting and that the formal diagnosis of a learning disability does not always evoke either the sympathetic or knowledgeable response expected. However, such research could be replicated with a British cohort to establish cross-cultural validity.

Cant and Standen (2007) carried out a study investigating the attitudes of CJP towards offenders with learning disabilities. A survey was administered to 100 CJP including magistrates, judges, police and appropriate adults, with some of the professionals participating in follow up interviews. The results found evidence that a proportion of professionals were not enthusiastic about allowing certain special measures to be assigned to people with learning disabilities, even though it would assist them during the criminal justice process. Moreover, many of the professionals displayed confidence that the legal system in place at the time was adequate to accommodate for the needs of offenders with learning disabilities. These findings are contrary to an Australian study by Cockram et al. (1993) and could suggest differing attitudes between the UK CJP and other cultures towards those with learning disabilities. This

may be due in part to a lack of knowledge of the difficulties those with learning disabilities face whilst encountering The Justice System.

Overall, attitudes and knowledge pertaining to learning disabilities appear to be negative amongst many professionals working within The Justice System. The study carried out by Mencap (1997) which surveyed a range of CJP, including barristers, police officers and magistrates, concluded that a large number of professionals are unaware of what constitutes a learning difficulty or learning disability, its definition, or what effect having a learning difficulty may have on the person in question when they encounter The Justice System. Consequently, this finding has many serious implications for justice, as the police and other professionals often have a significant influence in producing an efficient and effective response for individuals with learning difficulties, whether they are the victims, witnesses or perpetrators of crime. Despite the aforementioned studies, research conducted into the knowledge and attitudes of CJP towards YPLDs appears to be out-dated and lacking in abundance. Nevertheless, it does imply a need for professionals to be better informed about learning difficulties/disabilities, suggesting a need for further training which could be provided by professionals such as EPs who are experienced in working with people with learning difficulties.

2.6.3 Training Received by Criminal Justice Personnel

Different professionals have individual protocols regarding the training they receive within their respective professions. However, the largest body of research in relation to training for CJP in relation to those with learning disabilities is that of the police force. A report by Mencap (1997) uncovered that only 35% of the sample of police officers received specific training on dealing with learning disabilities.

Gendle and Woodhams' (2005) study also raised issues in relation to the training of police officers. All of the police officers in the study stated that training in this area was lacking and they felt they would benefit from further training. Some officers confused mental health problems and learning disabilities, due to the lack of a clear distinction being made within their training. This study is useful when beginning to explore the specific training needs of CJP. The respondents stated that they felt that they would benefit from more practical, as opposed to theoretical training, for instance, visits to mental health establishments. They felt that the theoretical components of training were sometimes too complicated and as a result, most of their learning was experiential. Further to this, Hayes (2007) states that police training related to learning disabilities should be ongoing throughout the career of a police officer.

In America, McAfee and Musso (1995) examined the entry training received by new police officers and found that often, new recruits were given mental handicap training and it was therefore assumed by new recruits that learning difficulties and learning disabilities were to be considered under the same umbrella term. Training made limited provision, for dealing with learning difficulties, however, the impact of training in different countries must be borne in mind here. Kvarfordt et al. (2005) surveyed a sample of 342 professionals working in youth justice settings. Of this sample, 62% stated that they had received training in disabilities in general and 47% had received training in learning disabilities. It was suggested that a limited amount of training (focused on learning disabilities) had led to a lack of confidence in recognising the needs of individuals with learning disabilities amongst staff.

Furthermore, Hayes (2007) suggests that problems emerge in the training of CJP regarding learning disabilities as a result of regional variation. For instance, across the UK, different areas and unrelated professions follow different protocols regarding training and in some cases, training in learning disabilities is not compulsory. Hayes further suggests that learning disability training tends to be as a result of individual interest, as opposed to a compulsory

module in the training of all new recruits. This lack of systematic training and awareness amongst professionals may therefore lead to confusion when various personnel from different regions or professions have to work together in multi-disciplinary teams (Bailey & Barr, 2000).

Talbot and Riley (2007) in a discussion of the 'No One Knows' project surveying the attitudes and experiences of prison staff in the United Kingdom, found that often staff had not received training related to learning disabilities and thus they were unsure of how support could be provided effectively, or even how to recognise that someone might have difficulties with learning. Furthermore, the prison staff recognised that they did not always have the required training and that further training would be beneficial in order to deepen their knowledge of how to provide effective support to individuals with learning disabilities.

Other professional bodies have also emphasised their own need for training in the area of learning disabilities. Within the Mencap (1997) survey, only a small proportion of the sample felt that training regarding learning disabilities was adequate. Further to this, respondents in the Cant and Standen (2007) study expressed that the identification of learning disabilities was compromised due to a lack of training amongst professionals. All of the respondents within this study identified that there was a need for specific training regarding learning disabilities, in order to raise awareness of the difficulties such individuals may experience within The Justice System.

Evidence would suggest that training in the area of learning difficulties and disabilities for CJP is not at the required standard, given the increasingly high number of individuals with learning difficulties who encounter The Justice System. There is yet to be a systematic and streamlined approach towards training in any criminal justice profession in the UK (Bailey & Barr, 2000) and in particular, the work of the police would seemingly benefit from such training, as awareness training has been shown to reduce eugenic attitudes towards those with learning

disabilities in the police force (Bailey et al., 2001). Additionally, Nield, Milne, Bull and Marlow (2003) suggest that police interview training, which is currently in place for investigators, does not always extend into the work place. Thus, training and subsequent performance should be monitored to ensure the efficacy of the training is carried through.

It should be noted that in some police forces, steps have been taken to improve the training of custody sergeants relating to vulnerability. For example, HMI Probation et al. (2014) found that some forces had invited medical staff to deliver training on mental health and learning disabilities issues. However, it is also important to note that this training by medical staff is by no means nationwide or compulsory. It could also be argued that it is important the medical staff have extensive knowledge of those with learning disabilities and if not, perhaps a professional (such as an EP) with more experience of these difficulties could be utilised. Despite the issues discussed, incorporating learning disabilities into vulnerability training is a positive step towards better informing the knowledge and attitudes of CJP, but there is still much work to be done, HMI Probation et al. (2014).

It could be argued that as a minimum, awareness training should be offered to all CJP, as it has been highlighted that in some cases, professionals cannot directly identify what a learning disability is (Mencap, 1997). Training in the identification, specific needs and the capabilities of people with learning difficulties would also be desirable. Whilst HMI Probation et al. (2014) found that the custody sergeants in all the police forces visited had received training on vulnerability, it is significant to note that none of them had been provided with specific training on the identification of, and how to engage with people with learning disabilities, despite encountering this population on a regular basis. There have been some recent developments nonetheless, with HMI Probation et al. (2014) finding that, in one of the many police forces they visited, Custody Detention Officers had received training on the definition and identification of a learning disability, as well as how the experience of The Justice System can

affect this population. This is a promising step forward, however, it should be noted that this training was only found for one particular personnel group in one police force. Only when this training becomes mandatory within the careers of all CJP who encounter this vulnerable group, is it likely that a difference will be ascertainable in the fair and equal access to justice for YPLDs.

A potential caveat in the identification of YPLDs by CJP is that there is a possibility that those working with young offenders in this environment, come from different professional backgrounds and therefore may not prioritise or understand educational issues with the same level of expertise. There has been little training in the identification of learning difficulties within The Justice System. Consequently, an EP within The Justice System could be considered beneficial in encouraging people to build relationships in this complex area and to help identify and support those with SEN, as well as helping young people with their social and emotional wellbeing. It would be reasonable to suggest that EPs could deliver such training, to ensure that YPLDs and their parents are provided with the appropriate support throughout their contact with The Justice System and indeed their encounters with CJP. Moreover, as previously discussed, the role for EPs providing their specialist knowledge has been suggested to be more beneficial than staff being trained to become SEN experts (Farrell et al., 2006).

The Welsh Assembly Government (2009) supports this finding in their study of interviews with YOT managers, who reported that YOT staff may not have expertise in SEN and any support needs were based on workers' perception and subjective views. Consequently, a significant number of young people within the youth justice system may have unidentified learning needs. As such, by recruiting CJP to identify learning difficulties based on subjective opinion, it may act as a barrier to YPLDs having access to appropriate support and interventions. The literature thus far indicates that CJP may lack the experience to identify and address the needs of young people with SEN whom they work with; an area that EPs specialise in.

It could be suggested therefore training from EPs to CJP on attitudes towards YPLDs within The Justice System and the input of their specialist knowledge on the assessment and identification of learning difficulties may help to ensure that the needs of YPLDs are identified and that those with SEN have access to the appropriate support. Involving EPs in this way could help in developing the skills, knowledge and understanding of the CJ workforce in working with YPLDs.

2.7 Summary of Literature

The review of present literature has highlighted some of the contemporary issues surrounding YPLDs who encounter The Justice System. It has been demonstrated that prevalence estimates are high when considering the proportion of YPLDs who encounter The Justice System (Day, 1993; Harrington & Bailey, 2005; Jacobson, 2008; Loucks, 2007). However, more recently, protocols have evolved and policies have emerged to better accommodate the needs of individuals with learning difficulties; such as the introduction of the appropriate adult following PACE (Home Office, 1984) and Special Measures (including registered intermediaries) as a result of the Youth and Criminal Evidence Act (Home Office, 1999). However, it could also be argued that without the aid of a professional assessment and specific recommendations as to the support required in each case, it is likely that the arrangements may fall short of the level required to fully accommodate the needs of this vulnerable population.

Existing barriers make progression through The Justice System challenging for those with learning difficulties. These barriers include: inappropriate questioning in court (Kebbell et al., 2004); lack of consideration of learning difficulties during police interview (Clare & Gudjonsson, 1995; Perlman et al., 1994); lack of trust in the service provided to victims and witnesses by CJP (Mencap, 1999); low levels of consistency when multiple agencies provide support (Jones & Talbot, 2010); procedural problems such as complex terminology within the police caution (Clare & Gudjonsson, 1991); a lack of screening for learning difficulties (Hayes, 2004) and unsuitable environments within prisons, youth offending institutions and prison custody suites (HMI Probation et al., 2014; Talbot & Riley, 2007).

Of particular relevance here, and perhaps the catalyst which perpetuates some of the aforementioned barriers, is the lack of knowledge and attitudes held by CJP in relation to YPLDs. For instance, professionals often lack the requisite knowledge to know what a learning

difficulty is and to recognise the barriers encountered by YPLDs (Mencap, 1997, McGillivray & Waterman, 2003; Hellenbach, 2011). Additionally, it has been suggested that police may hold biased beliefs in some cases, in relation to people with learning difficulties (Bailey et al., 2001), where learning disability training to this group has also been identified as inadequate (Gendle & Woodhams, 2005). Another key issue illuminated by this literature review is the limited research, which specifically explores the knowledge and attitudes towards YPLDs, yet the presence of YPLDs who encounter The Justice System, is found to be commonplace and is an area that warrants further investigation.

In light of the aforementioned points, this could be an important future area for EPs. EPs are now expanding beyond their traditional roles of working in schools and the community, to areas such as working with individuals who engage in offending behaviour (Erasmus, 2013). Of importance, a paper by Ryrie (2006) identified from a range of literature that those who work in a Youth Offending Team (YOT) alongside EPs, believed that the main role of EPs was assessing and/or testing young people, specifically for dyslexia. It could, however, be argued this is a poor use of a highly skilled workforce; as EPs have several valuable skills which could be utilised within The Justice System setting. For example, implementation and involvement in training, consultation, offering advice and support and participating in multi-agency meetings to name but a few. Whilst considering the important points raised by Ryrie (2006), it should be acknowledged that this research is based on a case study of one YOT and therefore is not necessarily applicable to all YOTs. Similarly, the findings do not represent the wider CJP of police, barristers, lawyers, etc., as it had not sought the views or evidence from other stakeholders (Erasmus, 2013). Erasmus' (2013) study adds to Ryrie's (2006) findings and could help to expand views on the lack of provisions in place.

By examining gaps in both provision as well as knowledge and training of CJP, it may be advantageous for policy guidance and research to emphasise the role of educational

psychology, in order for the community to benefit from an Educational Psychologist's range of skills and professional practice (Ozarow, 2011). Evidence would suggest that EPs are well placed to carry out assessments, suggest interventions and make recommendations for YPLDs and that applying this to work in The Justice System should be explored in future research. Furthermore, EPs may also be best placed to offer training to professionals to aid in the identification of learning difficulties (LDs).

2.8 Aims of Current Research

To conclude, there is a need for further clarification surrounding the knowledge and understanding of CJP with particular reference to young people with learning difficulties encountering The Justice System. Previous research highlights gaps in the current system, in terms of working in a fair and equitable manner for YPLDs, whilst acknowledging there are professionals and services that could address these inconsistencies. Therefore, the present research aims to complete an in-depth exploration of *the perceptions about the challenges of working with YPLD (who come into contact with The Justice System in any capacity, either as victims, witnesses or perpetrators of crime), for professionals (including, police, lawyers, solicitors and social workers) working within The Justice System.*

This study will provide further clarity around the identified gaps in the research and consider how these could be addressed through the involvement of EPs, who bring a set of specialist skills and knowledge, which would have particular relevance to YPLDs and those involved with The Justice System.

The rationale for this study is that if one can explore these perceptions further, it may help to identify where service provision could be improved upon, in order to support YPLDs more effectively through The Justice System. In particular, there is a need to focus on young people

with learning difficulties and bridge the current gap in the literature that specifically relates to this vulnerable population.

CHAPTER THREE: METHODOLOGY

3.1 Epistemology

It is imperative to consider the epistemological viewpoints of the research process. Prior knowledge and justified beliefs constitute what is commonly referred to as ‘epistemology’ (Armstrong, 1973), where it is thought that perception and behaviour are often influenced by knowledge (Louca, Elby, Hammer, & Kagey, 2004). Armstrong (1973) proposes that interactions within the environment are key mediators in the formation of beliefs and perception, and consequentially the formation of knowledge (through experience), which is then justified by actions. Baxter-Magolda (2004) supports Louca et al. (2004) in suggesting that domain-specific beliefs are a part of a personal epistemology, and are “intertwined with epistemological assumptions rather than as independent beliefs or resources” (Baxter-Magolda, 2004, p. 31). The present study attempts to provide an insight into the underlying epistemology held by the participants, who are professionals within The Justice System and have previously come into contact with young people as an integral part of their role.

As well as considering the epistemology held by the participants, it is also important to consider the epistemology held by the researcher, in terms of conducting research. To expand on this further, there are two main epistemological positions that can be taken when conducting research; positivist and interpretivist. Positivism sees social science as an organised method for combining deductive logic with precise empirical observations of individual behaviour in order to discover and confirm a set of probabilistic causal laws that can be used to predict general patterns of human activity (Neuman, 2003). Therefore, for those who take a positivist approach, the purpose of the research is to have a scientific explanation (Tuli, 2010). According to Ulin, Robinson and Tolley (2004) the goal of science is to develop the most objective methods

possible to get the closest approximation of reality. This means that researchers who use this perspective explain how variables interact, shape events and cause outcomes in quantitative terms, through the use of experimental studies. Furthermore, this approach maintains that reliable knowledge is based on direct observation or manipulation of natural phenomena through empirical, often experimental, means (Neuman, 2003).

On the other hand, an interpretivist perspective sees the world as constructed, interpreted, and experienced by people in their interactions with each other and with wider social systems (Maxwell, 2006; Bogdan & Biklen, 1992; Guba & Lincoln, 1985). According to this paradigm, the nature of it is to interpret and understand a particular phenomenon, and not to generalise it to a population (Farzanfar, 2005). Researchers using this approach are naturalistic as they apply to real-world situations as they unfold naturally. More specifically, they tend to be non-manipulative, unobtrusive and non-controlling. Qualitative research methodology, according to Ulin, Robinson and Tolley (2004), often relies on personal contact over some period of time between the researcher and the group being studied. Building such a relationship with study participants can lead to deeper insight into the context under study, which in turns adds richness and depth to the data. Thus, this approach is orientated towards discovery and process with an emphasis on gaining a deeper understanding of the research, and is less concerned with generalisability (Ulin, Ronibson & Tolley, 2004).

Taking into consideration the abovementioned epistemological stances, as well as the aims of the research study, it was felt that the most appropriate epistemological approach to take was an interpretivist approach, in order to be involved in the research process and to gain a deeper understanding of the perceptions of CJP towards YPLD in the Justice System. Using an interpretivist approach allowed the researcher to utilise a qualitative methodology in order to gain a range of views on the topic in question. The researcher was able to ask participants about their own experiences, allowing each person to construct their own meaning and reality.

In addition to this, consideration must also be given to the ontological stance that should be taken for the current research study. Ontology refers to the form and nature of reality, and therefore what can be known about it (Guba & Lincoln, 1994). Moreover, there are two main ontological approaches that can be taken; realism and relativism. A researcher who takes a realist orientation regards reality as being ‘out there’ in the world and needing to be discovered using conventional scientific methodologies (Bassey, 1995). People who use a realist perspective do not regard themselves as important variables in their research and tend to remain detached from what they research. The philosophical basis of this approach is that the world exists and is knowable and researchers can utilise quantitative methodology to discover it (Cohen, Manion & Morrison, 2000).

On the other hand, those who use a relativist approach cannot accept the idea of there being a reality ‘out there’, and instead they see reality as a human construct (Mutch, 2005). The researcher in this case views reality and meaning making as socially constructed, as well as holding that people make their own sense of social realities (Tuli, 2010). In contrast to those who use a realist approach, those who use a relativist framework utilise qualitative methodologies to investigate, interpret and describe social realities. Therefore, the research findings using this approach are usually reported descriptively using words (Mutch, 2005). Considering this, the researcher decided it was important to use a relativist approach for the current research in order to gain a deeper understanding of different CJPs perceptions in terms of their knowledge and attitudes towards YPLD.

3.2 Methodology Selected

The current study makes use of Thematic Analysis (TA), as a method of analysis, in order to enable a more detailed interrogation of the data collected that involves looking further into the experiences, meanings and reality of the participants (Robson, 2011). TA particularly involves

the need to recognise an important moment (seeing), encode it (see it as something) and then interpret it (Boyatzis, 1998). This procedure enables the researcher to recognise patterns (often referred to as ‘themes’) and develop them further for a deeper analysis of qualitative data, in the form of interview transcripts. For this reason, “careful reading and re-reading of the data” is integral to the analysis, so that themes can be identified (Rice & Ezzy, 1999, p. 258). TA proved to be useful to the research design because it accounts for both implicit and explicit ideas in the data set.

The qualitative approach minimises generalisation and makes assertions that are based specifically upon the participant group. This is done by classifying findings of individual personnel and of personnel in general within The Justice System, to account for both job-specific and field-specific factors. Utilising this methodology ensured that relevance and different analytical perspectives were maintained and integrated.

This research study made use of the inductive approach to TA (Braun & Clarke, 2006), where identified codes, themes and categories from within the transcripts uniquely mould the direction that the analysis takes. This helped to ensure that the study achieved analytical purity without being predisposed to previous literature, although it is still predetermined by the researcher’s own values. Therefore, Inductive Thematic Analysis (ITA) was the chosen methodology as it was considered to be the most appropriate method to extract rich and unique data and was seen as the most effective method to achieve the research aims.

The researcher utilised an interpretivist approach to examine social constructs and attitudes, rather than using objective measures to explain the participants’ responses (Husserl, 1965). Phenomenology and its humanistic beginnings can be used as an example to describe how it serves as a useful approach to data analysis (Giorgi, 2009; Wertz, 2005) and how phenomenological research acts as a humanistic medium for the participants to express

themselves. Furthermore, the prime focus of phenomenological research is that the participant gives an account of his/her perceptions, feelings and lived experiences. The qualitative methods discussed have two common features: firstly, they allow the participant to freely discuss his/her views on a particular subject and secondly, that the data analysis requires the researcher to engage with the qualitative data in order to interpret it. Only then, can the researcher appreciate the participants' views to understand the overall phenomenon being studied. The researcher is therefore able to account for any differences in epistemological stance via the consideration of perceptions, attitudes and values of participants (Husserl & Husserl, 1997). This approach was considered to be advantageous over quantitative or positivist methods, as Rolfe (2006) suggests qualitative research places an emphasis on delving into the meaning behind the views and beliefs of participants. This allowed the researcher to focus on the quality of the findings through phenomenology, rather than the quantity of the findings, which could be regarded as a 'general overview'. It was also deemed to be an efficient method of delving into the many different attitudes and experiences of CJP towards YPLDs in The Justice System.

3.3 Comparison with Other Qualitative Methods

There are a number of different qualitative methods that have prominence in social sciences and psychology, such as Grounded Theory (GT) and Interpretative Phenomenological Analysis (IPA).

Grounded theory is a qualitative research approach that was originally developed by Glaser and Strauss in the 1960s. The goal of grounded theory is seeking a theory that is intimately tied with the evidence, so that the resultant theory is likely to be consistent with empirical data (Orlikowski, 1993; Eisenhardt, 1989). Data collection, coding rationale, integration of categories, abstracting from the data and construction of theory are thus guided by theory as it emerges. Although grounded theory fitted well with the interpretivist nature of this research, it

was felt that an approach was needed which did not look to build on previous literature in the area, but instead aimed to find its own patterns and trends. This was because there is a distinct lack of research into criminal justice personnel's attitudes towards YPLDs specifically.

IPA is a widely accepted qualitative approach (e.g. Biggerstaff, 2003; French, Maissi, & Marteau, 2005; Smith, Flowers, & Larkin, 2009) and is renowned for "allowing rigorous exploration of idiographic subjective experiences and more specifically, social cognitions" (Biggerstaff & Thompson, 2008, p. 4). IPA often uses semi-structured interviews that draw upon the participant's epistemological stance and the researcher's involvement with interpretation. Through textual interpretation, this form of qualitative analysis enables the researcher to examine the participant's cognitions. It shares similar notional characteristics to TA, given that it ascribes meaning to experiences (Smith, Jarman, & Osborn, 1999). The researcher who assumes the role of the interviewer refers to an agenda and notes as guidance on how to prompt the participant. Although the interviews often follow a semi-structured format, neither of these methods are deemed as prescriptive. Both methods allow the interviewee to openly communicate and express his/her thoughts, though some guidance from the interviewer is required.

Both TA and IPA make use of preliminary themes that evolve into more relevant clusters and final themes, after the researcher's qualitative evaluation. However, unlike TA, IPA uses a cyclical course of action in which the researcher advances through numerous stages and revisits them. IPA seeks to explore the participant's 'psychological world'. The participants aim to make sense of their own world and the researcher in turn tries to understand how the participants make sense of the world. The purpose of IPA is to try to understand and agree with the participant's point of view; IPA is therefore more suitable for small scale studies. In terms of the present research, the lack of flexibility in IPA means that it would not be suited to

investigating the views, opinions and attitudes of CJP towards YPLDs. The issue of homogeneity has also to be considered, as those who work within The Justice System have very different roles and therefore by using IPA, homogeneity would be compromised and no level of generalisation would be possible. Whereas TA could be considered to share attributes of 'realism' and 'constructionism' as it accounts for participants' experiences and their underlying contexts.

TA appears to be less clinical as it consists of examining the qualitative data transcripts and examines the participants' ideologies in order to identify their views and opinions. The examination of this data is conducted so that the researcher can understand the logic and reasoning behind the participants' views, so as to arrive at conclusions (Miles & Huberman, 1994). Data reduction is required in TA and is an essential step in order to filter down to the relevant content. Coding and labelling into categories allows themes to be classed under clearly defined groups and will help to avoid confusion and prevent the exaggeration and generalisation of data or the misrepresentation or over representation of what the responses actually relate to. By categorising similar themes together, it also saves time and simplifies referencing (Benner, 1984). Sub-themes share the same central organising concept as the theme, but focuses on one notable specific element. It is through naming and analysing a specific sub-theme that aspect of the theme become particularly salient (Braun & Clarke, 2013).

Having investigated the above methods, TA was considered to be the most viable methodology chosen for the present study. Understanding the reasoning behind the participants' views and attitudes towards YPLDs could offer ways of changing their attitudes, as it could be seen to focus on how society may be influenced by events. It can also be applied across a range of epistemological approaches as it seeks to examine participants' ideologies, as opposed to exploring their psychological world (which is important when trying to establish CJP's

attitudes towards YPLDs in The Justice System). This may begin the process of providing a better experience for YPLDs within The Justice System; for example, if the reasoning behind any negative attitudes is due to a lack of training, then future training could be suggested.

3.4 Thematic Analysis: Inductive vs. Theoretical

There are two main types of TA – the *inductive* method and the *deductive* method. As the qualitative data is collected and later analysed, both methods provide effective forms of analysis, albeit in different ways. An Inductive Thematic Analysis (ITA) attempts to identify patterns within the data set to provide meaning and explain phenomena, whereas the deductive approach to TA tries to explain patterns by fitting the data into pre-existing conceptions (Braun & Clarke, 2006). The main difference between the two approaches is that the inductive approach may ignore the pre-existing frameworks and mould its own path as the researcher finds new and unique patterns within his own data set. Also, the researcher, when using the theoretical approach, may want to explore underlying factors that are causal as to why the trends occur within the data set.

With careful consideration as to its suitability and effectiveness, ITA (guided by Braun and Clarke's 2013 approach) was deemed the most suitable method for the present research study for several reasons. As there is a distinct lack of research into CJP's attitudes towards YPLDs within The Justice System, an approach was needed which did not look to build upon previous literature in the area, but instead aimed to find its own patterns and trends. This resulted in this research being amongst the first of its kind. Additionally, as there was not a specific research question to answer, (as outlined previously, this study aims to complete an in-depth exploration of *the perceptions about the challenges of working with YPLD (who come into contact with The Justice System in any capacity, either as victims, witnesses or perpetrators of crime), for professionals (including, police, lawyers, solicitors and social workers) working within The*

Justice System it was important that a research method such as ITA was used, which did not seek to explore theories, but instead generated themes based on the information gathered from interviews.

3.5 Design of the Research

The Interview: Format, Method and Questions

The present research study utilised interviews, whereby participants were communicating retrospectively by means of recalling their professional experiences of YPLDs. Their experiences could complement or contradict prior knowledge and attitudes. As in many research studies, interviews have been found to be an effective way of eliciting in-depth information from many different perspectives, as they are a flexible and adaptable tool, which allows for the follow up of interesting responses (Robson, 2011).

However, careful consideration should be given to the structure of an interview. That is, the extent to which the content and the schedule are chosen by the interviewer and how it influences the conversational process. In theory, the two extreme ends of a continuum of interview structures feature on one end the ‘casual’ and open-ended interview, and on the opposite end, the more ‘formal’ and structured interview (Robson, 2011). Open-ended questions allow for a deeper and richer representation of what the respondent really means. They require a minimal amount of intrusion from the interviewer, as they work best when the interviewee is free to discuss his/her thoughts on a topic, using natural, uninterrupted verbal communication. Conversely, the structured interview is devised using a set agenda and format that typically consists of direct responses to the questions asked, closed questions and those that follow a tighter structure. This format will often elicit responses that are more rigid and provide brief replies that would not include adequate detail for this type of study. This technique is more commonly used when transforming the data into quantitative form (Robson, 2011). Situated

between these methods is the semi-structured interview, which adopts a ‘best of both’ approach, taking elements of both the structured and open-ended interviews into account. Semi-structured interviews could be considered to be more beneficial than structured interviews when a participant is required to recall his/her life experiences (Wengraf, 2001, p. 5).

In the present study, semi-structured interviews gave the researcher the opportunity to find out ‘why’ somebody expressed certain views (Fylan, 2005). The ‘openness’ of the questions remained a core priority so that the participants had the opportunity to express their thoughts and opinions, with some occasional guidance in the right direction and a minimal amount of interruption. The questions were specifically designed to uncover a ‘true’ conception held by the participant, namely his/her attitudes and perceptions of the young people in question, the CJP and participants’ views on The Justice System as a whole; including the current constitutions and principles. This is beneficial when exploring attitudes towards YPLDs within The Justice System, because by exploring ‘why’ certain attitudes exist, it may help to influence future training.

As the present study involved participants discussing their experiences, as well as their attitudes, it was deemed that semi-structured interviews would gather more useful information from each participant. These interviews consisted of questions that would try to gain insight into the views held by participants about characteristics of learning difficulties, training issues, special measures, the label of a learning difficulty, issues relating to social integration, equality and the effectiveness of The Justice System in adapting to meet the needs of YPLDs. Additionally, in designing the questions, it was considered that the attitudes of the participants might possibly be expressed implicitly (i.e. being less obvious and requiring the researcher to make judgements during the transcript interpretation).

Stewart and Shamdasani (1990) put forward a recommendation that the research questions should be devised with the purpose of directing the research. They have two views on this and whilst they appear to be contradictory, these views should be taken into consideration before defining the sequence of the interview. First, is that the questions should be progressively ordered from general to specific. The second view emphasises that the more important questions should be at the forefront of the agenda and the least important towards the end. Braun and Clarke (2013) are of the view that for an interview schedule to be effective, questions should be funnelled from general to specific, meaning that initial questions should be “less probing, sensitive and direct than later questions” (Braun & Clarke, 2013, p. 84). With respect to Braun and Clarke’s (2013) view and the guidance by Stewart and Shamdasani (1990), the current research project utilised an interview approach that initially used general questions and filtered towards the more specific questions. This allowed for the participants’ constructs to be brought forward, rather than being overly structured by the researcher. However, that does not mean that the questions in the earlier stages were less important (e.g. those regarding experience and training). They still played an important role in uncovering information that contextualised and provided the basis for the more specific responses, for instance, why they hold such attitudes.

It was recognised by Charmaz (2003) that if new issues arise during the interview process the questions can evolve. Crucially, the format and sequence of the interview questions were refined depending upon previous responses by interviewees. This method was deemed effective in trying to probe the participant into elaborating upon certain points raised. The flexibility of questioning was designed to encourage participant elaboration whilst ‘in the moment’. For example, if the interviewee made a response that the interviewer perceived to be important, the interviewer would ask further questions on that particular viewpoint. Also, the researcher on occasions would tactically probe the participant to expand on the point he/she

had just made by giving an indication as to what the interviewer was looking for. This was an acceptable technique, as the interviewer was not actually telling the interviewee what to say, but rather providing some necessary guidance for an effective interview session. An example of a probing style, which is relevant to the current study of eliciting attitudes from CJP is given by Robson (2011). He states that, if somebody is giving more of a general answer as opposed to his/her own view, he/she can be asked questions in order to seek a personal response such as “What is your own personal view on this?” (Robson, 2011, p. 284). Fylan (2005) states that using prompts can be useful to elicit further information and should “explore the area of discussion without supplying leading questions” (Fylan, 2005, p. 68). This also acts as a timesaving technique that may produce qualitative data of superior quality, in comparison with responses that lacked direction, relevance and coherence.

In addition, it was important to consider the interview format in terms of the length of the questions, the approach and the number of questions used for the interview. For example, the researcher would need to ask the participants questions that they found comprehensible, in such a way that they could, in turn, provide a response that was also intelligible. When considering the approach, the researcher deemed it appropriate to use questions that would elicit an elaborate response from the participant. These helped to evoke relevant comments from the participant, for example, the researcher used who, what, where, when or how questions to encourage the participants to reflect upon their personal and professional experiences in their work with and treatment of YPLDs in The Justice System. Questions that have less structure and remain open-ended tend to allow participants to freely respond, using a number of dimensions and richer language to express their views (Stewart & Shamdasani, 1990).

Considering the number of questions to ask was also important, due to the fact that the interview should try to cover all that is relevant towards the overall research aim. Krueger

(1988) advises that the best qualitative interviews usually have the minimum number of questions necessary to elicit the required information, although interviews with approximately ten to twelve questions are considered as being quite focused (Krueger, 1988; Stewart & Shamdasani, 1990). On the basis of this guidance, the initial number of questions used in the current research study was eleven. However, this changed to 21 questions as a result of the pilot study as it was found necessary to elicit richer content and more useful information to generate findings that would be contrasting but comparable.

In designing the research, it was considered that because there is so much information potentially relevant to the topic, the researcher needed to prioritise what questions were indispensable and also create the order in which they were asked. Questions were ordered into categories (i.e. experience, training, knowledge, skills and attitudes, etc.) rather than a randomised order. This ensured the interviews flowed naturally through the topics and were coherent. Importantly, the researcher did not reveal what the categories of the questions were, in an attempt to combat artificially evoked responses from participants through suggestibility (Wakefield, 1995; Gudjonsson & Clark, 1986). The chosen interview questions needed to produce qualitative data for the researcher to transcribe. These transcripts acted as the basis for data analysis from which the codes and themes emerged and conclusions were formulated. Therefore, formatting of the interview questions and the approach adopted towards interviewing was fundamental to achieving good qualitative analysis.

Cues and the Dynamics of Interviewing

Myers and Newman (2007) state that many research studies have often ignored potential nuances that may arise from qualitative inquiry. They believe that there is more to a qualitative interview than simply asking a set of questions and recording the interviewees' responses. The interview environment is a "very artificial situation" (Myers & Newman, 2007, p. 3) and

requires the interviewee, whilst under pressure, to be intimate and communicative with a stranger.

As a precautionary measure, various issues were anticipated with regard to the necessary arrangements and solutions that minimise the irritability, awkwardness and anxiety of interviewees whilst catering for their needs. Non-verbal cues are just as important as verbal cues and play a crucial role in the interview dynamic. Body language, etiquette, facial expressions, enthusiasm and interest all appear to have a significant impact upon the interviewee's behaviour. Robson (2011) supports this notion by highlighting how the manner in which the questions are asked makes a difference to interaction and consequently, the responses that are given. He emphasises that the interviewer's understanding of the questions is paramount. For instance, a good impression can be made on the interviewee if the interviewer displays signs of confidence, credibility and enthusiasm. The interviewer should also come across as positive, friendly and show a willingness to learn (e.g. to take in the information that the interviewee provides). Finally, the interviewer should look as though he/she is engaged in the process (Robson, 2011). Only then does the interviewee make enthusiastic and honest responses. Whilst the above factors may increase the chances of carrying out a successful interview, Rubin and Rubin (1995) point out that it is important to develop one's own interview style. Braun and Clarke (2013) offer further explanation by stating that it is important for the interviewer to use his/her own style, whilst also having an ability to draw on or disregard interview guidance in order to meet the needs and demands of the research question.

Another important aspect of interviewing to consider is the set-up in terms of physical arrangements. For example, as Sin (2003) describes, the location of the interview is causal to a shift in power and can influence the direction and the potential content of the interview, such as verbalising sensitive information (Sin, 2003). Fylan (2005) suggests that the interviews

should take place in a location that is quiet and comfortable. In an attempt to accommodate interviewee comfort, barristers were interviewed at court, police in their police station and social workers at a justice centre. It is acknowledged that minor differences between venues may have occurred but were deemed insignificant to the resulting discussions.

Interviews were conducted in a manner so as to enhance the opportunity for effective open communication. It is worth noting that at times the interviewer did need to intervene (albeit in a purposeful way) to prevent the interviewee's responses deviating from the interview questions, to maintain relevance and to move onto the next question, in a timely manner. This is in line with Braun and Clarke's (2013) suggestion that it is important for the interviewer to be flexible in his interview approach in order to meet the needs and demands of the research question. It was, however, acknowledged that an excessive amount of intervention from the interviewer is counterproductive to the idea of qualitative research (Guest, MacQueen, & Namey, 2012) and so, intervening was kept to a minimum.

Semi-structured interviews require "high-preparation" in order to be effective (Wengraf, 2001, p. 5). For this reason, it was felt that a pilot phase should be conducted in order to ensure that in the actual study, the semi-structured interviews utilised a format which would elicit information that would most benefit the research aims.

3.6 The Pilot Phase in the Research Process

According to Fylan (2005), it is important to pilot initial questions on at least two participants, to test the feasibility of the semi-structured interview. The general idea of piloting is to ensure that the researcher is able to collect the desired data through an effective data collection method with the ultimate goal being that the data will count towards the analysis. For this reason, the researcher deemed it productive to utilise a pilot interview phase as a pre-requisite for a successful interview process. The researcher used pilot interviews on a total of three

participants who were not included in the overall collection of data. As suggested by McNair, Taft and Hegarty (2008), the pilot phase is also crucial in gaining feedback on the questions themselves. This included asking participants whether the questions (see Appendix 5) were easy to understand, made sense and gave participants the opportunity to talk about the areas they thought were important. It is noteworthy, that the pilot phase was also evaluated by the audio recording of the interviews and assessing the verbal interactions between the interviewer and interviewee.

Wengraf (2001, p. 5) points out that if the conditions of the semi-structured interviews are not right, then they may yield information that does not inform the research aims. With the importance of pragmatism in mind, an evaluation would aim to be the vehicle for beneficial change, which results in the exclusion of the identified weaknesses (e.g. biases, over complexity, question types and ordering, failed contingency plans, or any other mishaps), and to improve the overall conversational experience for both the interviewer and the interviewee. In the present study, the pilot interviews indicated that the original data generated by the participants seemed to be all quite similar. This was due to the fact that the participants were originally of the same profession. Subsequently, it was realised that in order to enhance the quality of the data, more CJP from differing professions would be required for future interviews. Additionally, based on the findings of the pilot study and participants' feedback, refinements were made to some of the original questions in order to yield responses of higher relevance to the study. Clearer questions were added to the original question set, as was a section on building rapport with the interviewee, as it was found that some of the interviewees in the pilot phase appeared taken aback when the questioning began. A final total of 21 as opposed to the original 11 interview questions, were produced (see Appendix 6) in order to elicit the most useful information. In effect, this was a critical step forward that would provide the researcher with richer content and would generate findings that would be contrasting but

comparable. This in turn, increased the time of the interviews to range from 21.45 minutes to 66.21 minutes, with an average duration of 48.19 minutes.

3.7 Sampling and Participants

The research process used quota sampling as a means of selecting appropriate participants. The participants were selected based on their professions, status and location within The Justice System. Firstly, named professionals were selected from each stage of the criminal justice process and secondly, CJP from each one of the corresponding professions were approached at a Midlands Crown Court. The selected sample was not a cross-sectional representation of The Justice System as a whole, but rather a ‘handpicked’ set of professionals pre-determined from set criteria (i.e. criminal justice professionals that have previously come into contact and worked with young people in some capacity within their role). This interpretivist influenced approach (e.g. “theoretical and purposive sampling to uncover emerging and transferable theories”) (McLean & Blackie, 2004; Easterby-Smith, Thorpe, & Lowe, 2002; Lincoln & Guba, 2000), enables the researcher to complete the analysis within a shorter time frame, in comparison to a positivist influenced sampling approach, where the sample would be selected randomly (e.g. “objectively and without bias”) (McLean & Blackie, 2004, p. 12). Therefore, a manually selected and non-random sample, based on pre-determined participation criteria proved to be a useful technique. The approach adopted also enables the researcher to choose participants that would seemingly be able to provide the most relevant information (Thomas, Bloor, & Frankfield, 2007). Additionally, selecting a sample that has “high experience of the phenomena under study” (Pettigrew, 1990, p. 276) ensures that the sample is relevant and reinforces Thomas et al.’s (2007) notion of relevance towards potential quality of findings. Furthermore, Yardley (2008) states that rigour can also be achieved and demonstrated through using a selection that is classed as being an ‘appropriate’ sample. To be regarded as being

appropriate, Yardley (2008) stated that the sample must be relevant to the research topic and the methodology, as was the case in this study.

To expand on this further, the desired participants were those who work closely with YPLD within the Criminal Justice System (CJS). More specifically, the desired participants included professionals such as Barristers, Judges, Probation Officers, Police Officers and Solicitors. Whilst recruiting participants, it was also important to consider the varying levels of experience that each professional would have, as well as the length of time that they have been working with YPLD, in order to gain a valuable insight into their perceptions of their knowledge, attitudes and experience.

Furthermore, in order to answer the research question, it was felt that it would be necessary for the researcher to recruit CJP who have been working within the CJS, rather than individuals who have accessed the CJS as either a witness, perpetrator or victim. Those who have accessed the CJS are unlikely to have had such a lengthy experience of the system as those who have been working in the CJS. Moreover, CJP are more likely to be able to provide information from a wide range of experiences, as well as offering insights about their colleagues' attitudes and experiences, potentially providing richer data than recruiting YPLD who may have only been able to provide their own perspectives of their particular experience. Therefore, it was deemed necessary to try to recruit participants who have been working within the CJS with YPLD.

The first steps taken to approach professionals working within the CJS were contacting them via telephone and email to invite them to take part in the study. Where a positive response was given, the researcher followed it up and gave the professional more information regarding the study. Whilst in contact with the professional, they were made aware of who the researcher was, the purpose of the research, how they would be involved and what the researcher intended to find out. It was important to give the professionals this information so that they had full

details about what was involved with taking part in the research. As there was no need to deceive the participants of the research aims, the researcher wanted them to have a clear understanding about what was involved.

Further to this, the researcher appeared in person and attended professionals' workplaces, such as the Courts, Police Stations and local Probation Offices. Whilst in attendance at Court, the researcher approached the Ushers, who were very useful in terms of directing the researcher to professionals who may be suitable for the research project, such as a Probation Officer. However, upon meeting the Probation Officer, it was quickly made clear that it would not be possible for them to take part in the research due to issues of confidentiality. Further to this, the researcher approached a Probation Office and asked to speak to the Manager, who also confirmed that it would not be possible for any Probation Officers to be involved in the research as they are unable to share information about their job roles due to confidentiality. Additionally, the researcher also sent a letter to a Prison Governor; however, no response was received from them in regards to participating in the current research study. This was very disappointing, although it demonstrates the difficulties surrounding recruiting the desired participants for this topic of research.

Following these difficulties with recruiting participants, the researcher also approached local Solicitors' offices, as well as contacting them via telephone and email, in an attempt to recruit Solicitors who have a role within the CJS. However, it proved very challenging to recruit Solicitors who work directly with YPLD, and instead Family Law Solicitors were approached due to their indirect involvement with YPLD. Some Family Law Solicitors engage with YPLD who are involved in Care Proceedings, meaning that they still have a responsibility to recognise and help those with learning difficulties. However, due to restrictions with recruiting the desired participants and the Family Law Solicitors not being directly related to the CJS, the researcher decided to focus upon The Justice System instead.

As the focus of the research study was to explore the perceptions of CJP towards working with YPLD in general, the researcher did not focus on any specific group, for example, witnesses, perpetrators (alleged or otherwise) or victims. Instead, it was felt appropriate to interview the participants about all of the abovementioned groups as they all experience The Justice System in some way. Moreover, the focus of the study was the initial point of interaction and engagement between the CJP and YPLD, therefore, no distinction has been made between witnesses, perpetrators or victims for this research.

Overall, a total of twelve interviewees were selected from a range of CJP, namely: a chairwoman for child protection meetings, a volunteer support worker, four barristers, two family law solicitors, two police officers, a case managing practitioner and a youth crime officer (see Appendix 9 for table of participants). All of the participants confirmed that their involvement would be based upon personal or professional interests, pertaining to YPLDs and The Justice System. They consented to participate so that they could contribute to the research process in the hope of catalysing improvements in professional training, services and provision for YPLDs who come into contact with The Justice System in some capacity.

Upon completion of the interviews, participants were debriefed both in writing and verbally. They were also offered feedback on the research findings in the form of an executive summary, which would be forwarded to them at a later date.

3.8 Ethical Considerations

In order to produce a viable piece of research, the researcher has followed and accounted for guidelines set out by the BPS's Code of Human Research Ethics (2010) and HCPC that concern respect, risk, valid consent, confidentiality, anonymity, safeguarding, deception and debriefing (BPS, 2010). The research was also approved by Cardiff University Ethics Committee.

In order to show respect for the autonomy and dignity of the participants, the researcher realised that the participants would all have had unique individual experiences and would therefore answer the interview questions from a different perspective. This was subsequently accounted for in the research design. Another aspect to be taken account of was the Data Protection Act (1998), as some participants may have refrained from sharing sensitive information as they have a duty to maintain client confidentiality. All CJP must undergo ethical and confidentiality training for their roles, though the training differs between organisations. For that reason, they will all have had differing perceptions of the limits of what can and cannot be disclosed in the interview. As well as maintaining confidentiality, the researcher ensured that all participants did not suffer any unnecessary distress during the interview, regular breaks were offered and the BPS Code of Human Research Ethics (2010) was adhered to.

Equality is essential; therefore all participants were treated equally by being provided with the necessary materials for the interview process (e.g. a participant information sheet to outline the purpose of the interview and participant's contribution, see Appendix 1).

Consent and debriefing was adhered to as all participants were given a consent form with clear instructions requiring confirmation of their understanding (see Appendix 1) and resources post interview (e.g. a debrief sheet that explains the next phase for the research and participant rights, along with contact details for the researcher, the research supervisor, MIND and the Citizen's Advice Bureau, see Appendix 2). It was verbally explained to participants that they could withdraw from the study at any time during, or up to one week after their interview. Action was taken to safeguard data as consent forms were kept separately from the interview transcripts. To maintain anonymity the transcripts were not named, but instead defined by profession. The participants were informed of this and advised that their views would not be linked to their names, unless the researcher had reason to believe someone may be in danger.

In the interest of confidentiality, physical data was locked away in a secure filing cabinet, whilst computerised data was kept in a password protected folder on a private computer.

The interview and study did not require any form of deception. Participants received an initial briefing and a debriefing to conclude the interview session (see Appendix 2). The participants were also given the opportunity to ask questions before and after the interview, with contact details being provided for further questions. They were also encouraged to use the contact details to offer their feedback on the research.

3.9 Data Collection

The interviews were conducted independently with each participant (see Appendix 6 for interview questions) in a quiet room in their aforementioned places of work. The duration of the interviews ranged from 21.45 minutes to 66.21 minutes, with an average duration of 48.19 minutes. The length of the interviews was deemed appropriate as Robson (2011) suggests that ideally interviews should last between 30 and 60 minutes in order to elicit the most valuable information. The interviews were recorded in MP3 format using a Digital Voice Recorder and transferred onto a computer. The transcripts were kept in a password protected folder alongside their MP3 counterparts. In line with the BPS Code of Human Research Ethics (2010), all collected data was kept confidential and filed away in a secure cabinet and on a password protected computer.

Transcription of Data

The interviews were transcribed word for word using word processing tools (Microsoft Word) (see Appendix 10). The researcher carried out the transcribing shortly after conducting the interviews to ensure confidentiality was maintained. It was also helpful for the interviewer to

transcribe, as this meant the researcher would become familiar with the transcripts, thus aiding in the process of discovering themes. The decision was made to transcribe non-words such as “erm” in order to give the transcripts more context. This aids the discovery of themes, because if non-words were not transcribed, the participant’s speech could be interpreted differently to how it was originally intended. This could cause validity problems of developing themes from the transcriptions. Finally, using Braun and Clarke’s (2006) 15-point checklist, the transcriptions were reviewed in accordance with the MP3 recordings to ensure that they met the desired textual quality required for TA.

3.10 Data Analysis

As TA was selected as the chosen research method and the themes that transpire from the coding process serve as a vehicle for the analysis aspect of TA, the analysis used in this research study aimed to be shaped uniquely (being moulded by the thematic data), and not by a pre-existing model (Braun & Clarke, 2006). However, it must be noted that, although themes that shape the analysis allow the approach to be flexible, there is still a general consensus with regards to how TA must be implemented once all the qualitative data is collected. That is, the coding of transcripts comes first; modifications to initial coding and the final analysis come thereafter (Braun & Clarke, 2006). Also, as the emergence of themes directs the analysis, this gives the researcher an opportunity to judge what excerpts are most salient and of high importance to the overall research question. Simply put, the researcher’s interpretation and analysis are just as important as the thoughts and opinions shared by the participants during interview. It was important to be aware of Braun and Clarke’s (2013) notion that personal experiences shape how one reads data, meaning that, although the researcher’s interpretation of the data is a valuable source during analysis, it is also possible that personal experience may

influence what one sees in the data. For this reason, the researcher was reflective throughout the analytic process and made a particular effort to look beyond his personal views and experiences in order to extract the most valuable points from the data. According to Braun and Clarke's (2006) criteria for the analysis phase, it is good practice to make a real interpretation of the data in order to make sense of it; that the analysis matches the data extracts; the data tells a convincing and well-organised story about the research; and finally, that there is a good balance between the data extracts and the narration used to interpret them.

Stages of the Coding Process

Braun and Clarke (2006) have briefly outlined how to conduct a TA in a logical sequence by giving mention to six key phases. The researcher ought to:

- (1) Familiarise him/her with the data;
- (2) Generate initial codes by interest;
- (3) Search for and collate themes within the data with respect to its relevance;
- (4) Review the themes on two levels (e.g. within the coded extracts such as those in the codebook, and with the data set as a whole);
- (5) Make some refinements where necessary in order to provide specific names for themes;
- (6) Produce a report based on a final analysis of the defined themes.

The basis of TA typically requires the researcher to identify useful pieces of data from seemingly large amounts of undistinguished data (i.e. in the form of interview transcripts). Identification is then developed into codes and subsequently into themes which provide the framework for interpretation and eventually the final analysis. A sound interpretation requires a dependable coding process and so the first step taken before interpretation is to recognise an

important moment and perceive it as useful (Boyatzis, 1998). Furthermore, as TA requires recognition of significant patterns, a good coding rule is needed to differentiate between what is relevant and what is irrelevant to the overall analysis. Boyatzis (1998, p. 1) further explains thematic coding by defining a “good code” as having the following five elements:

- (1) A label.
- (2) A definition of what the theme concerns.
- (3) A description of how to know when the theme occurs (i.e. how to flag it).
- (4) A description of any qualifications or exclusions to the identification of the theme (i.e. criteria to determine the theme).
- (5) Examples, both positive and negative, to eliminate possible confusion when looking for the theme (i.e. like a guide).

Following these steps ensures that a systematic and comprehensive TA is performed which moves beyond a simple description of what is there, to an interpretation of what it means (Braun & Clarke, 2013). Rigour can thus be achieved through this deeper level of interpretation (e.g. of underlying meanings rather than the explicit descriptions) using Braun and Clarke’s (2006) guidance on conducting an effective TA.

In order to conduct a plausible analysis, each item of data was given equal amounts of consideration and themes were generated from a thorough overview of the data rather than from a brief and ‘vivid’ impression. The relevant extracts used for each theme were collated in a codebook format and themes were checked against themselves and the rest of the data set. They were also checked for internal coherence, consistency and distinctiveness in line with Braun and Clarke’s (2006) summarised guidance for the coding process. Although quality of content is considered throughout this research study, the analysis itself did not include an axiological evaluation using methods like the Jefferson system. Taking the axiological route

was considered to be unnecessary for a project that predominantly looks at content containing emotion, rather than the assessment of emotion as a separate dimension.

Discovering Themes

Themes are thought to be developed on different structural levels where they complement similarities within the data (i.e. other similar themes) and help to identify any dissimilarities (i.e. data that may contradict the general consensus).

Themes are derived from initial codes set by the researcher. The researcher reviews the codes and identifies ones that are similar or overlap; these are grouped into a centralised theme (Braun & Clarke, 2013). Some codes may be turned into themes if they are considered to be large, rich and complex enough (Charmaz, 2006). Whilst it is important that themes are identified across a proportion of the data, the themes do not necessarily have to be present in every piece of data or stated by every participant. What is more important is the quality of the theme and whether it adds something meaningful and important to the research (Braun & Clarke, 2013).

Differing explanations on what themes are, help to explain what they represent. Though some of the definitions may sound quite vague, Ryan and Bernard (2003) provide a little more clarity: “You know you have found a theme when you can answer the question, ‘What is this expression an example of?’” (p. 87) and again explaining the extent that themes have on providing meaningfulness to the data: “Themes come in all shapes and sizes. Some themes are broad and sweeping constructs that link many different kinds of expressions” (p. 87). Codes function like a ‘rough draft’, whereas actual themes are deemed to be more concrete. Themes develop as a result of codes and Braun and Clarke (2013) offer a useful analogy by stating, “a theme is like the wall or roof panel of a house, made up of many individual bricks or tiles (codes)” (p. 224). Therefore, the initial coding process is vitally important as it helps to form the themes of the research. A code tends to capture one idea, whereas a theme acts as the

“central organising concept” (Braun & Clarke, 2013, p. 224) which is usually made up of lots of different aspects relating to that concept (i.e. codes).

When themes have been developed, there are steps that can be taken to ensure that they are ‘good themes’ for the data set. Braun and Clarke (2013) state that themes should be considered both on their own and as part of a group. They state that it is important that the theme makes sense individually (meaning they are distinctive) and that themes fit together to form the overall analysis (p. 231).

Equally as important as the development of themes, is knowing when to disregard codes which are not relevant. Braun and Clarke (2013) offer a suggestion that codes which do not seem to fit into any obvious themes should be grouped into a ‘miscellaneous’ category during the analysis process, as they may start to fit as the analysis progresses. According to Braun and Clarke (2013), an important part of qualitative research is being able to let go of material that does not fit into the aims of the research. They state that it is important to “tell a particular story about the data” and not to “represent everything that was said in the data” (Braun & Clarke, 2013, p. 230).

Sub-themes

The researcher is free to manipulate the data to form personalised thematic categories in which the themes are grouped. After the data is gathered and the themes are developed, there may be sub-themes that also emerge to further specify, or categorise, a particular pattern that exists within the relationship between various themes. The themes may represent different levels of arrangement within the data, hence why they become classed as main themes and sub-themes, although all are important. Braun and Clarke (2006) represent the existence of “main overarching themes and the sub-themes within them” using an initial thematic map (see Figure

2, p. 98). Therefore by following the guidance in Braun and Clarke (2006) the themes and sub-themes were identified. A thematic codebook or a thematic map being devised to record useful themes and their extracts. It must be noted, however, that these themes may be subject to change and are not necessarily set in stone.

Semantic vs. Latent Themes

As previously mentioned, themes can be looked at as main overarching themes or the more specific sub-themes. Furthermore, as Boyatzis (1998) identifies, greater specificity can also be achieved through examining themes at different 'levels', the semantic (or explicit) level and the latent (or interpretive) level. Braun and Clarke (2006) use a fitting analogy to help illustrate how the semantic and latent levels work in synergy. They elucidate that: "if we imagine our data three-dimensionally as an uneven blob of jelly, the semantic approach would seek to describe the surface of the jelly, its form and meaning, while the latent approach would seek to identify the features that gave it that particular form and meaning" (p. 84).

When using the semantic approach, usually the meaning is quite clear, hence its alternative term 'explicit'. What the researcher typically requires when using semantic themes, are the responses from the participants and nothing that goes further than the participant's view. Therefore, the researcher does not examine anything implicit here, such as generalising or making assumptions. It is then essential that within the analytic phase the semantic patterns and descriptions are evolved and interpreted. As part of interpretation, the semantic content is linked in with theory to conceptualise what the patterns mean, their importance and their potential implications for the research (Patton, 1990). On the other hand, a more in-depth tactic takes the form of the latent approach. It aims to explore the underlying ideas behind the participants' responses along with assumptions, conceptualisations and ideologies that have

influenced the formation of this semantic matter. This research adopted a latent approach since it appeared important to seek out the meaning behind the words.

The Use of a 'Codebook' or 'Thematic Map'

A codebook was used to systematically keep a record of the codes and themes found within the data. The researcher was able to use this for reference and have examples of what the codes relate to. For example, definitions would encapsulate the use of codes that the researcher has suggested for the analysis (i.e. *when* to use the code and *what* it refers to within the data). A table format was used to structure the codebook for easy reference. It was important for the table to maintain organisation, so that the codes could be categorised to provide clarity from the large amounts of data and the consequential number of codes used. Preparation of a codebook ensured consistency and improved efficiency due to its logical structure. This saved the researcher time during the analysis and functioned as a universal tool for the process.

A thematic map on the other hand is quite similar to the thematic codebook, though it visually represents the data to show associations between the codes, themes and categories, much like a 'thematic network' (Attride-Stirling, 2001). It also illustrates the multidimensional links between the qualitative data extracts and serves as an efficient tool in the "systematisation and presentation of qualitative analyses" (Attride-Stirling, 2001, p. 385).

3.11 Validity and Reliability

Reliability and validity is of central concern to research studies. These are necessary so that readers have confidence in findings and believe that the research is authentic (Merriam, 2009). The relationship between validity and reliability is expressed by Lincoln and Guba (1985, p. 292) who suggest that "reliability is not prized for its own sake but as a precondition for

validity”. This suggests that validity and reliability are not two separate entities that co-exist. Rather, without any reliability, there simply cannot be any validity. Generally, the core of semi-structured interviews used was identical and so provided a consistent format for interviewing participants. The additional questions that were used to probe further elaboration from participants were the only variable that differentiated the type of interview responses from one another, without deviating from the task. This must be accounted for when considering the reliability of the research design, as ‘tailoring’ is not causal to a significant effect in qualitative research.

According to Guba and Lincoln (1981), all credible research must have characteristics of 'truth', 'value', 'applicability', 'consistency' and 'neutrality'. The divergence in research approaches comes with their own paradigm-specific conditions to measure rigour. This is where quantitative methods require objective criteria to confirm validity, whilst qualitative methods require criterion that necessitates human intuition such as deciding what is fitting and dependable (Guba & Lincoln, 1981).

In quantitative methods, the variables are compared against each other (i.e. the scales on a questionnaire) and the consistencies of the measures are quantifiable in terms of appraising whether the individual scales and the questionnaires as a whole function as expected (Bernard, 2000). Conversely, qualitative methods are not compatible with the quantitative method of measuring consistency, for qualitative approaches produce subjective data. Instead, qualitative reliability and validity audits are carried out through researcher judgement for the duration of the analysis, as specified by Creswell and Plano-Clark (2011). They further state that the process of qualitative research should be transparent so an external reviewer can see the steps taken to ensure transparency and validity (Creswell & Plano-Clark, 2011, p. 211). In summary, it is imperative that the researcher uses sound judgement, as this will ultimately have a bearing on the validity of qualitative analyses. For example, when looking at viewpoints of the

participants from within the transcripts, it is important to recognise what individuals are trying to express and to be able to categorise the extracts under a relevant theme. Not only do the extracts need to be labelled, but they also need to be labelled in a consistent manner, so that the thematic codebook is comprised of dependable information.

People tend to have their own personal opinions and ethical views; for this reason there will always be differences in moral viewpoints. In this study, morality may play a subliminal role in the way participants responded. For example, personal views can conflict with the individual's profession and their responses could be formulated based on personal values, or professional values may have overridden their concrete personal views and have been deemed more socially acceptable for their role. The implication is that this qualitative inquiry delves into the minds of the participants and searches for their professional experiences that are difficult to separate from their personal opinions. This is due to the fact that professionals are ultimately individuals that have unique experiences, though they may share clients with other professionals. That is, no two participants' attitudes, perceptions and experiences would be the same. Of concern in qualitative studies, is that the researcher's interpretation would be different to the meaning expressed by the participants, whom all have varying opinions. However, the researcher addressed this in this study by using a consistent coding process to ensure and maximise reliability. The researcher also accounted for this by offering a copy of the interview transcript to the respective participant to check with them whether it was a fair and reflective account of their views.

The researcher and the participant each have an identity within the interview phase: the researcher assumes the role of the interviewer, while the participant naturally becomes the interviewee. An interaction is created and sustained for the duration of the interview, where thoughts and opinions are verbalised. However, points of view can be expressed but there may be a variance in epistemology (e.g. that the researcher cannot have a true understanding of the

participant's thoughts), with Houtkoop-Steenstra (2000) suggesting that answers in interviews are only a product of the interview situation, as opposed to the interviewee's real opinion. Nevertheless, it is possible for people to be able to converge and understand each other's points of view enough to conceive and share the same ideas. In the scenario of the interview process, the shared understanding can relate to the interviewee's comprehension of the task at hand, or the interviewer's conceptualisation of the interviewee's experiential accounts. Together, the interviewer and the interviewee can reach an ideal point, where the interview follows accordingly, as a result of the shared understanding of what is expected from one another. There should also be awareness that both the interviewer and the interviewee each have communicative roles to play (i.e. the interviewer doing the questioning, guidance and the use of gestures and verbal nods; and the interviewee who expresses him/herself, knowing that the content he/she provide is the core of the interview and determines which direction the discussion may take). In establishing a relationship between the interviewer and interviewee, it was also important to address the issues of the interviewer having a multiple identity. McNair, Taft and Hegarty (2008) point out that, to the interviewee, the interviewer could be perceived as being both an insider and an outsider, by virtue of his status as both a researcher and a psychologist. It may have been the case that the interviewee did not want to express certain views to a psychologist, in which case the professional identity of the researcher would interfere with gathering useful interview data. Therefore, to control for this, it was important to make clear to the participants that the interviewer was acting solely in a research capacity, their views would be used entirely for the research and in this sense the professional identity of the researcher would be put to one side.

It is also important to mention that with the inductive approach, the analysis is directed by the unique themes and categories identified by the researcher, and not a pre-existing coding frame set out by another researcher. For this reason, external influence on coding is kept to a

minimum and the researcher was careful to ensure that any academic and personal interests did not conflict with theme generation as much as possible, as personal experiences may limit what one sees in the data.

Cognitive and Communicative Ability

Various abilities of the participants were considered as they can contribute to disparities that may emerge. Features such as verbal ability, cognition and understanding of the task can influence participants' decision-making and responses during the interview process. However, all participants in this study were functioning professionals in high demand jobs, so it was considered that they would have adequate levels of cognitive and communicative ability for the purpose of this research.

Social Desirability

Another factor accounted for which could affect the reliability and validity of the study was social desirability. Social desirability bias can help to explain how participants may respond with the intention of pleasing the interviewer through comments that are socially accepted or admired and are therefore biased (Guest, Bunce, Johnson, Akumatey, & Adeokun, 2005; Phillips & Clancy, 1972; Crowne & Marlowe, 1960). It could be that as the participant is specifically being interviewed about YPLDs in relation to his/her profession, therefore he/she may have a tendency to provide positive and constructive answers that demonstrate a positive outlook. This proves to be problematic for analysing the research data, having gained a biased sample based on an individual's perception of 'ideal' responses.

For the purpose of the current research project, in an attempt to minimise the possibility of socially desirable answers, the research ensured that the participants understood that the data

is to be kept strictly confidential and therefore not disclosed to those that may judge them for their honest responses (Singer, Hippler, & Schwarz, 1992). Braun and Clarke (2013) also point out that it is important when designing the questions, for an interviewer to consider whether specific questions are likely to only elicit socially desirable responses. This was considered both when designing the questions for the present research and also during the pilot phase. However, there were inevitably differences in enthusiasm between the participants that may well have caused answers to be more desirable. Ultimately, the researcher needed to make his own interpretation on what data was classed as authentic and resolute, using various steps to confirm reliability and validity of the study.

CHAPTER FOUR: RESULTS

4.1 Introduction

The purpose of the study was to explore the knowledge and understanding of CJP towards YPLDs. It aimed to highlight key issues that exist within The Justice System and identify possible recommendations for its operational framework such as provision, awareness and training in order to improve the treatment received by young people, especially those with learning difficulties. In light of this, the use of an Inductive Thematic Analysis (ITA) enabled themes to be generated, based on the information provided by the CJP during interview. Not only were interviewees questioned about coming into contact with young people within The Justice System, but they were also asked about their views on the system they find themselves working in. Therefore, the themes were generated based on both knowledge and opinion.

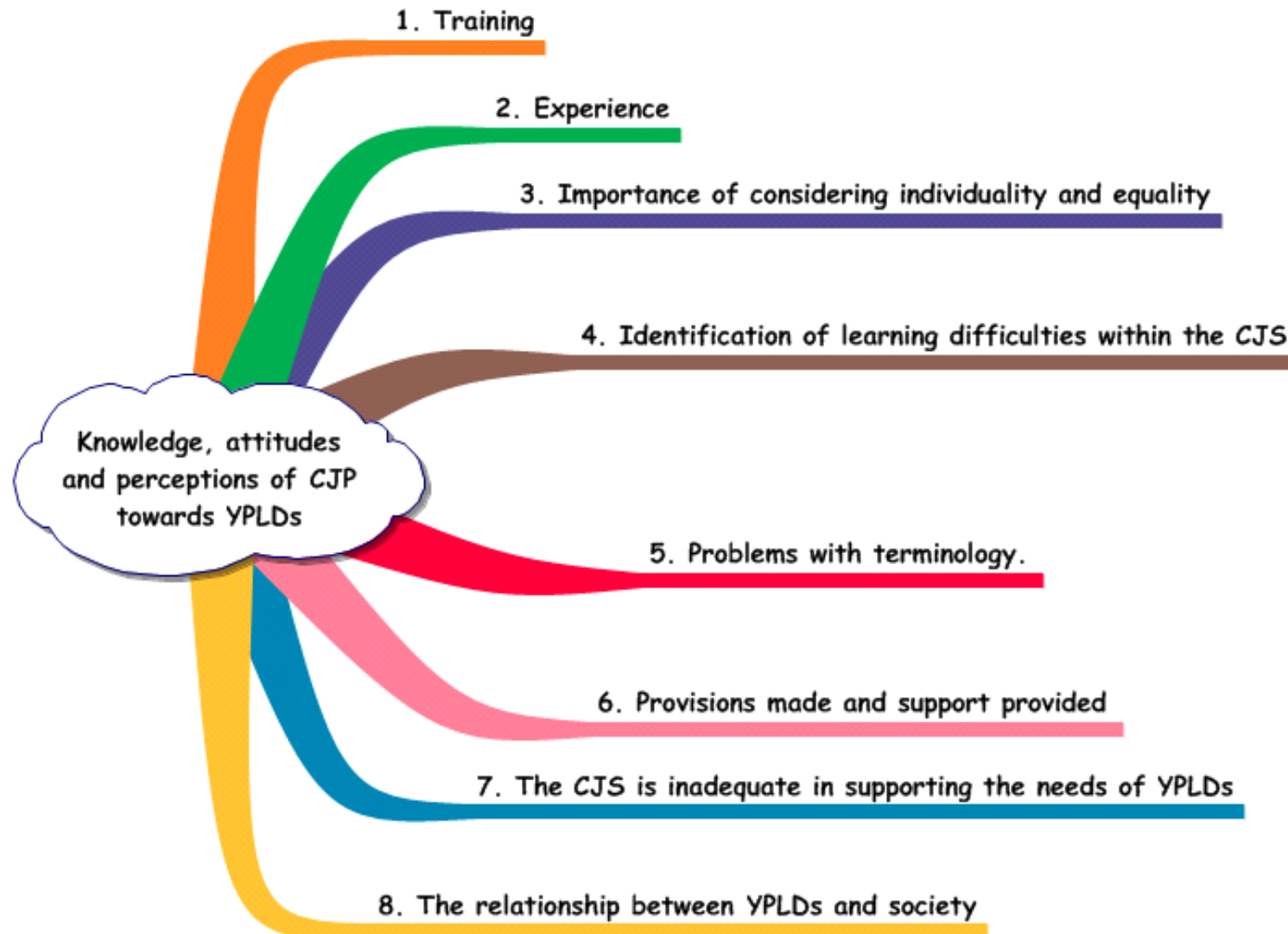
4.2 Description of Themes

An initial number of 18 themes were identified from the qualitative data, each with their own unique set of sub-themes. However, upon deliberation, it was considered that many of these overlapping themes could be further condensed and grouped together to reduce the total number (see Appendix 7). The amendment process led to a significant reduction in the number of themes to eight (each with their own set of sub-themes) (see Appendix 8). To complement the list of identified themes, a codebook and a thematic map were used to make reference to various transcript extracts.

4.3 Thematic Diagram

The following thematic diagram illustrates the main themes generated as a result of the information gathered from the CJP. Figure 1 illustrates the eight main themes. Appendix 8 has a thematic diagram of the eight main themes and sub-themes. Appendix 11 contains a thematic map indicating the crossover of themes

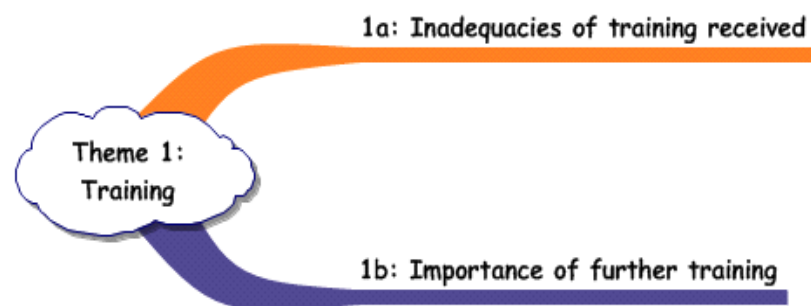
Figure 1: The Eight Main Themes



4.4 Themes and Sub-themes Explained

Detailed below are the eight main themes and sub-themes. Under the title of each theme a diagram is presented which illustrates that particular theme and the respective sub-themes.

4.5 Theme 1: Training



Training in any profession is important. In order for the CJP to be able to manage any situation they meet, training about LDs within The Justice System could be considered to be fundamental, as it raises awareness about learning difficulties and thus educates the CJP to improve their communication and management of YPLDs through increased knowledge of the area.

With respect to learning about working with learning difficulties there were distinct viewpoints arising from the interviews: For some, experience appeared to be the fundamental basis of their learning; secondly, there was a group who perceived the training they received as being too shallow, or too general or indeed, too specific at times and therefore not relevant to certain individuals or roles; and thirdly, some considered training to be pertinent and important for the future.

Below are extracts which show differing views on the training that has been received.

1a: Inadequacies of training received

For some participants, the training they had received was perceived as being inadequate because it was too shallow or generic. Also, that there was a shortage of specialist and targeted training opportunities, for example:

Participant 11 (a Solicitor) along with other participants share similar views that the training they receive is too 'generic': "I mean we have had training, we've had training on equality and disability but not on the specific issue of dealing with clients who are learning disabled" (participant 11, Line 94-95). Participant 8 (Case Managing Practitioner) and participant 12 (a Barrister) are of the same opinion stating respectively: "I've had some training on Dyslexia, Dyspraxia, um which wasn't specific to, which was just provided by the local authority so that was a generic training" (Line 54-56).

And I'm not sure that (.) their (social) training, from what I hear, and what they can teach you on a course is going to get that across. On the merit of having a course, it would imply that one-size-fits-all...so it's hard to say because there's not really a one-size-fits-all training technique (participant 12, a Barrister, Line 50-54).

Participant 7 (a Barrister) stated that the training often employs a one-dimensional dynamic that is thought to be less practically meaningful: "we have listened to lectures on dealing with vulnerable complainants mainly, but it is the experience I really learn from" (participant 7, Line 25), and: "the lectures that we attend sometimes are not very helpful I find" (participant 7, Line 39). Therefore, these views indicate that learning through experience rather than training is an important element of developing skills.

1b: Importance of further training

Some professionals emphasised the importance of new learning and therefore expressed positive feelings towards further training, i.e., they showed a willingness to learn. Some of the participants stated: “I’m always trying to learn a bit more about how to best deal with people with such vulnerabilities in the court environment”, participant 7, (a Barrister, Line 103-104) and participant 2 (Volunteer Witness Support Worker) states: “I think there’s always a need, especially for us old guys, ha ha, to be reminded of being a student again; painful experience, necessary experience” (Line 192-194).

Participant 6 (another Barrister) and participant 11 (a Solicitor) show a positive outlook towards awareness training, where participant 6 says: “Erma, I think I’d benefit by knowing, my main benefit would be knowing that if a person did have such a difficulty, what that difficulty was” (Line 77-79).

Whereas participant 4 (a Solicitor) stated:

Yeah, it [training] would be good I think because and I think especially other solicitors who um, come into contact with them but with people with learning difficulties, young people, but have had a different upbringing like the normal, you know if, if they’ve never come into contact with anybody with learning difficulties before or have never experienced anybody with mental health problems, to have that would be a positive I think (Line 64-69).

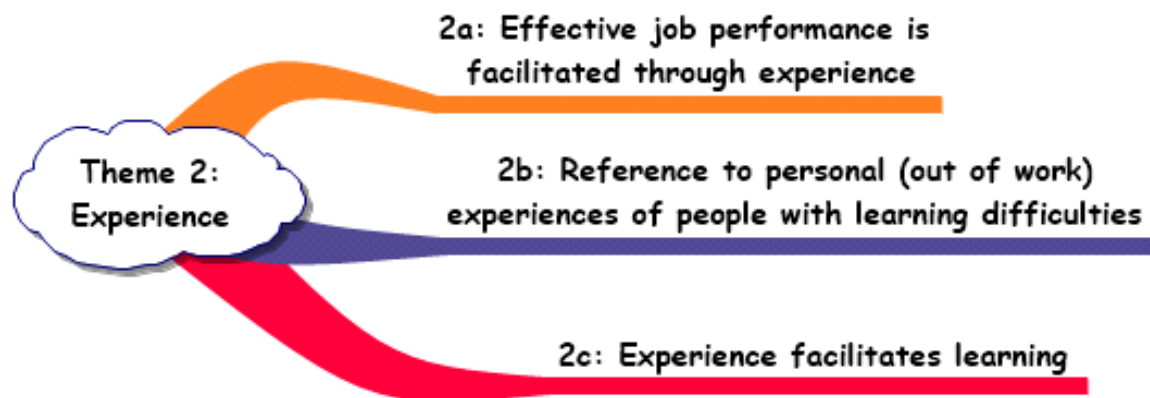
Participant 12 (a Barrister) states the importance of training, by believing that important techniques and strategies can be taught to professionals via training, in order to better interact with YPLDs:

I mean, there are some simple techniques that can help when dealing with YPLDs. For example, the one that I know of when dealing with someone who has Asperger’s

or Autism is to give them ten seconds thinking time after they've answered a question and that allows them time to process the questions (Line 51-54).

These comments demonstrate the differing opinions on the importance of, and need for training that The Justice System receive.

4.6 Theme 2: Experience



Experience was outlined as a prerequisite for how people with learning difficulties receive a professional service within The Justice System. For instance, participants generally expressed that their level of experience would determine the way they would interact with young people, particularly those with learning difficulties and how it would also play a fundamental role in other professionals' line of work. Some participants regarded experience as being more important to their role in comparison with others.

2a: Effective job performance is facilitated through experience

When professionals undergo training, they usually gain a theoretical and/or a pragmatic understanding of the role. Accordingly, some participants expressed that their working knowledge is predominantly based on their learning from 'hands on' experience, which would most likely be the case for the older professionals, as opposed to a more theoretical approach. For instance, participant 12 (a Barrister) states: "I'd say I've learnt what I know from my experience" (Line 36-37). This opinion may lead to the suggestion that theory and academia may only take a professional so far in their understanding, but true expertise develops from the application of practice.

Participant 7 (a Barrister) explicitly stated his/her thoughts and preference for practical training in saying: “Um, to be frank with you I think that, um, there’s no better training than actually the real experience” (Line 38-39). This view is bolstered by the notion that “skills in chairing conferences, I suppose, are largely honed through experience”, participant 1 (Chairwoman for Child Protection meetings, Line 144-145), and “more of my development of knowledge has been just through interaction and day to day experiences” participant 8 (a Case Managing Practitioner, Line 66-67).

It is for this reason that CJP have varying levels of knowledge and thus, confidence between them when dealing with YPLDs. Participant 11 (a Solicitor) suggests that with time, the professional will learn to be confident in working with learning difficulties, stating: “as you keep doing it you do start to understand what it is and I think that that’s what applies to working with people with learning difficulties” (Line 442-443). This opinion is also similar to participant 1 (Chairwoman for Child Protection meetings). With reference to firmly dealing with clients that have a learning difficulty, she stated: “so I suppose maybe that’s the change that I, I am much more confident now at recognising when we’ve got to stop” (Line 130-131).

2b: Reference to personal (out of work) experiences of people with learning difficulties

Participant 9 (a Youth Crime Officer) shares her personal experience and how it has affected her and her child:

From my own personal experience, I’ve got two boys, eight and six, my eight year old struggled at school, and he’s now on an education plan, now in order to get on that education plan he needs to be classified as special educational needs (Line 142-145).

In this excerpt, participant 9 explains how her own experience has led to her understanding of learning disabilities and that in order for her child to gain educational support he must be

labelled as having a learning difficulty. Participant 10 (a Police Officer) explains how her early personal experiences with individuals were influential by stating:

My mother used to work with groups of people with learning difficulties and she then became a teacher, a special needs teacher, so growing up, I've always had a lot of contact with people with learning difficulties anyways so I would say I was fairly well educated on it anyway (Line 88-91).

Generally, this study found experience outside of the workplace has been found to nurture perceptions of people with learning difficulties and particularly YPLDs in these instances.

2c: Experience facilitates learning

Knowledge through experience enables the professional to work competently, as it is thought that through their own experience they learn most effectively. Participant 9 (a Youth Crime Officer) sheds light on her inexperience during the early stages of her career:

If I think back to when I first joined the police service as a young woman and with little life experience under my belt, I'd have probably gone in and just gone, 'oh that person's, you know, they're mad, they're stupid duh duh duh' and made quite sort of scathing comments just on the basis of knowing them for a very split second (Line 106-110).

Participant 11 (a Solicitor) describes how he previously underestimated the complexity and scope of the work:

And e-even just having a very simple understanding of cognitive functioning is-is-is good, whereas, when I started I didn't really have an understanding of the issues and how, how in-depth that process can become and what-how complicated the different areas are (Line 136-139).

This strengthens the view that experience facilitates learning, which facilitates practice.

Participant 1 (the Chairwoman) stated: “I would like to think that I see myself on a constant learning curve and if I became complacent about my, the extent of my knowledge or my abilities then erm, it’s probably time to stop” (Line 244-246). This emphasises how the chairwoman believes that learning should be a continuous process throughout her career in order for her to continue to develop. Thus, continuing professional development is a process whereby allied professionals receive relevant and up-to-date training in order to become more competent, knowledgeable and skilled. Participants often reflected upon their experiences to explain how they felt these have facilitated learning.

When asked about issues they might be picking up on, participant 10 (a Police Officer) mentioned how he/she would need to adapt due to the circumstances:

Um, I mean I work in a child abuse unit therefore I deal with children quite regularly. Um, and they may say, well you’re gonna go and speak to a twelve year old so you will always try and pitch your questions at the age you think you’re dealing with, however, you’ll soon find out sometimes that, you know, you’re speaking to a twelve year old and you’re asking them questions that you expect a twelve year old to understand, but clearly they don’t (Line 21-25).

This suggests that, on one hand, there will be cases where learning difficulties are more salient and so the CJP can accommodate them more effectively. On the other hand, some may be less noticeable and so it would be more difficult to discern and therefore put the necessary measures in place (i.e. changing procedures for the comfort of the client). The quote by the police officer suggests that experience has helped to gain a greater understanding of the fact that not everybody of a certain age will be able to understand questions pitched at their age group. Indeed, there may be other issues such as a learning difficulty, which may affect their understanding.

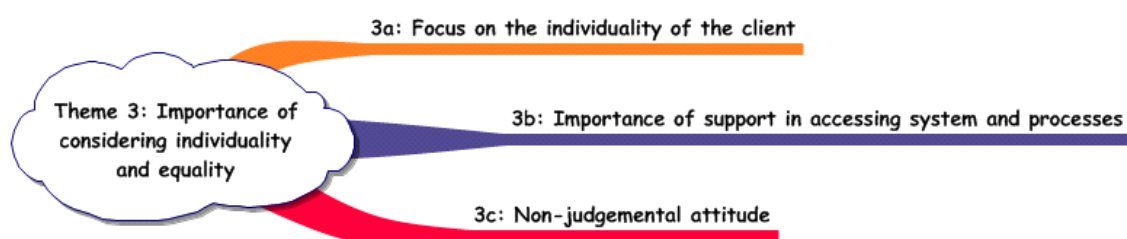
Participant 9 (a Youth Crime Officer) explains:

I've got a lot more experience under my belt now, I'm a lot more open and I've had seventeen years of seeing lots of different things and dealing with lots of different people... But with years of experience under my belt, life skills and seeing an awful lot of things, I'm a lot more open. I'm a very passionate person around young people, so all that encompasses young people, particularly so, I'm a lot more open to sitting down and saying well ok, there's a reason behind this. Nobody does something without a reason or why something's going on or something like that (Line 108-114).

In addition to learning through career experience, life experience plays an important role that can shape the attitudes of the CJP towards YPLDs. The Youth Crime Officer summarises this view with "But that's come with life experience and it's come with, with doing the job for a long, long time" (participant 9, Line 119-120).

The above comments could be seen to suggest that due to the lack of available training in the past, the perceptions of the participants were that they had to learn through experience and that is a valuable part of the process.

4.7 Theme 3: Importance of Considering Individuality and Equality



It was evident from the data that the participants thought it essential that when CJP work with clients that have learning difficulties, they do not overlook the fact that their clients, in whatever capacity, should be considered as individuals with LDs, yet still be treated equally. As part of an ethical approach to their work, equality should be inherent in the daily practice of CJP. Below, various professionals offer an insight into how they would exemplify this in their practice.

3a: Focus on the individuality of the client

There was a general consensus amongst the CJP interviewed that, although clients should be treated equally, they do have differing needs that should be accommodated, depending on the case. Participant 12 (a Barrister, Line 55) states: “Everyone’s needs are different” and so “In my belief, each case is case-specific to the individual” (Line 47). Participant 3 (a Barrister) shares a similar view on individuality by saying that: “It’ll be on a case-by-case basis” (Line 90), and “If you need expert advice, you need it tailored to that particular client” (Line 100).

Furthermore, when asked what changes in communication they would make towards a client with learning difficulties, participant 8 (a Case Managing Practitioner) responded with: “it’s then about applying different resources and seeing which work for that individual and tailoring it to their need and if they work then great” (Line 106-107). This participant suggests that in order to provide a supportive environment for his/her young client, he/she must use trial and error to see what works well, not only to provide it because they have learning difficulties, but also to enable he/she to progress through the system and increase his/her engagement with the process. It may be difficult not to treat those with learning difficulties differently to those who do not have learning difficulties, because certain adjustments need to be made for those who are otherwise vulnerable due to being inexperienced and disadvantaged if they do not have the necessary provision.

Participant 12 (a Barrister) expressed the lengths he would go to for clients with learning difficulties stating: “in my experience, I tend to be more understanding of their misbehaviour. I think I’d be more forgiving and I would work harder to make them understand” (Line 126-127). It could therefore be argued that the participants are of the opinion that ensuring individuals can access systems is crucial to equality.

3b: Importance of support in accessing The Justice System and processes

During their work with clients, it appears that CJP have the attitude that they must remain fair and strive not to treat any client more favourably or unfavourably than another.

Participant 7 (a Barrister) offers this view: “One of the key things about doing this job is to be able to communicate and understand people” (Line 116-117). This suggests identifying whether young clients have learning difficulties is paramount. This is also similar to the view of participant 8 (a Case Managing Practitioner) as he uses identification of learning difficulties as a basis for encouraging interaction and the engagement of YPLDs:

If I was aware of that, prior to meeting them I think it would be about the determination of resources and the interaction and hopefully marrying that with the knowledge of how to work with, if it's say for a statement, to read the statement and understand it and then present and be appropriate in those resources and support the young person (Line 102-105).

When asked about how they promote a supportive environment, participant 8 (a Case Managing Practitioner) added: “By trying to choose appropriate engagement techniques and tailoring it to the young person's needs” (Line 116).

Participant 11 (a Solicitor) argued that a learning difficulty should not relinquish a client's right to equality by stating that:

I think that's [equality] important. That's, that, that's an important part of self-development isn't it for any person er, so why should by virtue of the fact that they have a learning difficulty, should they not have the opportunity to receive the right support? (Line 359-361).

Participant 11 also cited that YPLDs should be empowered: “And the right support can help, I think it's important that they are able to achieve that sense of development and progress themselves and be able to make decisions for themselves” (Line 366-368). Participant 8 (a Case Managing Practitioner) voiced a similar view, by stating: “I think for the young people you

generally meet, they often make their own choices um, and sometimes try to present other choices and options they have” (Line 175-176). This quote expresses the point that YPLDs are capable of being autonomous and so opportunity should be available and not withdrawn from them. Giving their thoughts on the segregation caused by labelling, participant 11 (a Solicitor) says: “So just from a, erm, ethical point of view I think that’s very wrong. I would ALWAYS agree with integration” (Line 170-171).

3c: Non-judgemental attitude

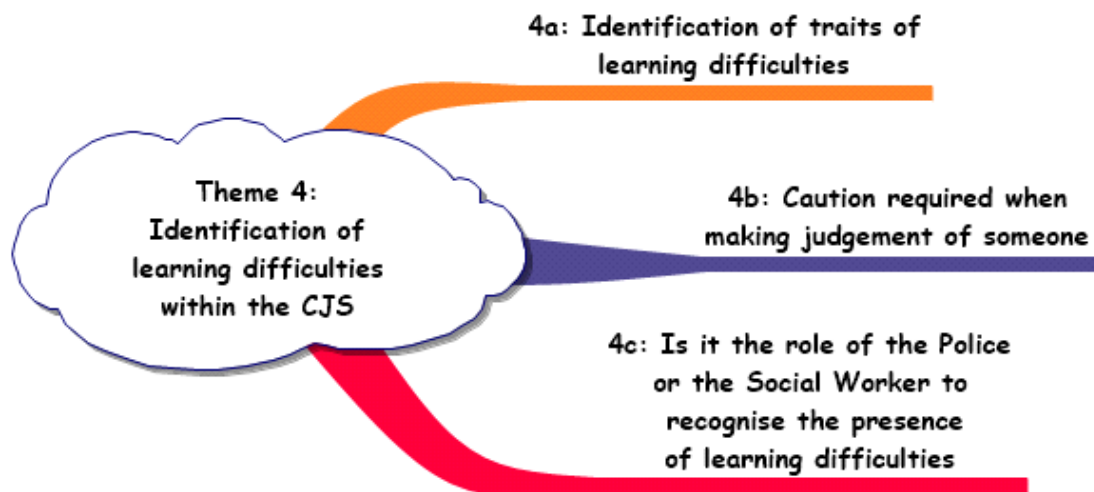
Participant 2 (a Volunteer Witness Support Worker) outlines how pre-existing conceptions impact treatment of YPLDs: “Erm...and I think my motivation and interests have meant that I’m quite non-judgemental which assists the process, where you have 10 seconds to be able to get on with somebody or not, yes or no” (Line 85-87). He also supported the notion that learning difficulties should not be seen as a difficulty or negatively:

I mean I think of myself as a slow learner, you know what I mean in a sense that, erm, it took me three attempts to get O-Level English. You, and you know...but that’s not bad. So if one is to label there’s a stigma ha and the fact that actually it is positive; dyslexia is not negative (Line 233-235).

Participant 10 (a Police Officer, Line 106) comments on the prevalence of judgmental attitudes in the police force: “I’d like to think not, I mean I’ve never seen evidence of it myself”. Participant 5 (a Police Officer) shared a similar view, stating: “Certainly not in the police force no, no, you don’t hear of it [judgemental attitude] at all” (Line 78).

Two barristers seemed to have views that there should be a respectful, non-prejudicial attitude towards learning difficulties and that their work personifies their attitude, with participant 7 (a Barrister) stating: “If I was to use that word [learning difficulties] I wouldn’t be implying anything disrespectful in using it” (Line 90).

4.8 Theme 4: Identification of Learning Difficulties within The Justice System



There seems to be widespread agreement that CJP play a key role in the detection of learning difficulties and the consequential intervention and support that is received. Therefore, it appears that the CJP are regarded as essential personnel for the YPLDs who encounter The Justice System.

4a: Identification of traits associated with learning difficulties

A combination of behavioural and cognitive indicators may exist, such as difficulty with understanding, lack of attention and poor verbal communication skills. The majority of participants expressed that a client's lack of understanding would be indicative of learning difficulties with views such as: "So one of my clients at the moment, she's got learning difficulties. She's not been deemed as capable of giving instructions but all she does is repeat the same information over and over again" (participant 11, Solicitor, Line 302-304). This was a similar view to participant 12 (a Barrister, Line 26-27) when he stated: "It was fairly clear that (he had short term retention) and he had difficulty understanding some of the instructions".

According to participants, a lack of eye contact made by the young person is seen as a key indicator of a learning difficulty being present:

But, it's just, I don't know you can just tell, they're sometimes, if they're really difficult with functioning then they won't look at you. Um, and that's not because they've done something wrong it's just because, they're, I don't know the way the world works for them, but they won't look at you (participant 4, Solicitor, Line 10-13).

Participant 11 (a Solicitor) also shares a similar view, stating: "But on the ground, it's very hard to work with someone like that lady, erm, because her concentration span is very poor, you know, once she switches off you can't get her to engage again" (Line 45-48).

4b: Caution required when making judgements about someone

Some of those interviewed observed that it is difficult to make a judgement about a client on the first visit as participant 12 (a Barrister) explains: "I think it has made me more aware that you can't always judge someone in a short time. You need more time to know how to cope with the problems they have" (Line 102-103). Adding, it is easy to assume that the client does not have learning difficulties, stating: "If they didn't pick up on his problems, because he could talk the talk, he did have good verbal skills so he appeared to understand" (Line 146-148).

However, participant 11 (a Solicitor) conceded that on occasions, it is difficult to differentiate simply due to individual skills by explaining that: "Sometimes I've got it wrong and I'm convinced my client doesn't have capacity but it's just their presentation is poor, they can't vocalise very well" (Line 403-404). Adding that consequently his/her poor verbal ability may lead to underestimation by stating: "Yeah, their English is poor, but actually they do understand what's going on they just can't articulate it very well" (Line 406-407).

Participant 2 (a Volunteer Witness Support Worker) gives a scenario of how it may be difficult to tell whether the person is experiencing learning difficulties:

On one level I would have difficulty in differentiating learning difficulties from non-learning difficulties; in other words, the situation of coming to court itself raises

issues, in individuals that are keenly new, novel and potentially frightening. So that can precipitate any jury of a difficulty (Line 66-69).

4c: It is the role of the Police or the Social Worker to recognise the presence of learning difficulties

Participant 4 (a Solicitor) believes that the social worker should be instrumental in recognising that his/her client has learning difficulties and the implications of failing to recognise them:

My job in Court proceedings is to make sure the Social Worker's done their job properly. Um, if they haven't recognised that sort of, functioning, then it's my job to recognise it and pull them up on why they haven't recognised it (Line 26-29).

This suggests that in this practitioner's opinion it should be primarily the social worker's job but it could be considered it is not the only route.

Another participant (participant 9, Youth Crime Officer, Line 281-283) believes that the police could determine from interviews where clues should be picked up on:

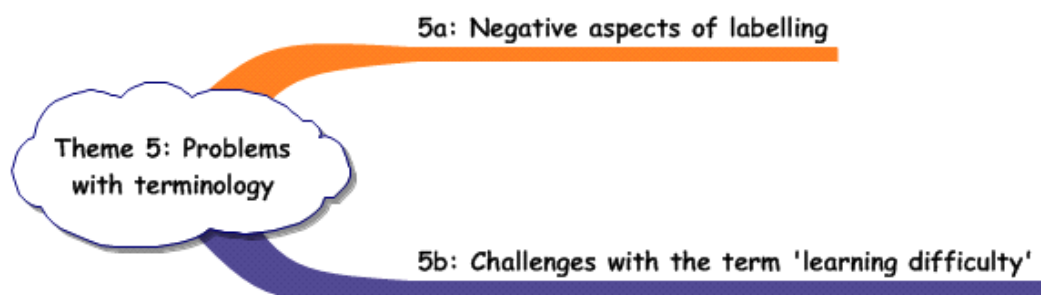
and they ask those kind of questions, do you have any kind of learning difficulties, and in this little interview room where we would speak to him about his thing he said, I can't read, I can't write, um, I've got learning difficulties.

Participants 6 and 7 (both Barristers) and participant 10 (a Police Officer) support the view of the Youth Crime Officer in saying, that it is the responsibility of the police. Participant 10, (Police Officer, Line 75) feels that it is a police role by stating "Yeah I, umm what we tend to do is initially assess them ourselves". Elaborating further:

Generally it'll either come from speaking to them yourselves and identifying it...so you learn to sort of recognise when there are sort of. I think communication issues are the first sort of signal that there may be underlying issues, learning difficulties (Line 32-34).

However, what could be considered to be particularly relevant is the perception by one police officer that the adjustments could be considered to lead to a legal bias in favour of the ‘perpetrator’.

4.9 Theme 5: Problems with Terminology



A number of CJP showed a critical response to the need for ‘learning difficulty’ as a label, and questioned its effectiveness.

5a: Negative aspects of labelling

Participant 9 (a Youth Crime Officer) believes that the label of learning difficulty can cause stigmatisation and thus bias by explaining that: “sometimes I think it’s finding that balance isn’t it, learning difficulties can be very stigmatising, people think you behave a certain way” (Line 173-174). Participant 2 (the Volunteer Witness Support Worker) seems to agree: “So if one is to label, there’s a stigma people have lower expectations... a label can also affect a person’s self-esteem” (Line 235).

5b: Challenges with the term ‘learning difficulty’

There seems to be a consensus of opinion between the CJs that the validity of the label of ‘learning difficulty’ is rather elusive. The problem being that there is a lack of clarity and vagueness about what is considered to be a learning difficulty.

Participant 5 (a Police Officer) touches upon the vagueness that comes with defining what a learning difficulty is and how it has implications for the treatment of clients:

I think it’s quite vague isn’t it really. A learning difficulty could be anything from not knowing how to read, write, spell, erm, to the levels of what I’d class as medical conditions which affect them. So I think it’s quite vague to say he has a learning difficulty, you’d have to dig deeper to find out exactly what that was and how you would be able to adapt your approach to deal with them. But I think that’s quite vague to say, a learning difficulty. It’s the same with disability isn’t it, if someone has a disability, there are a number of things that it could be (Line 86-92).

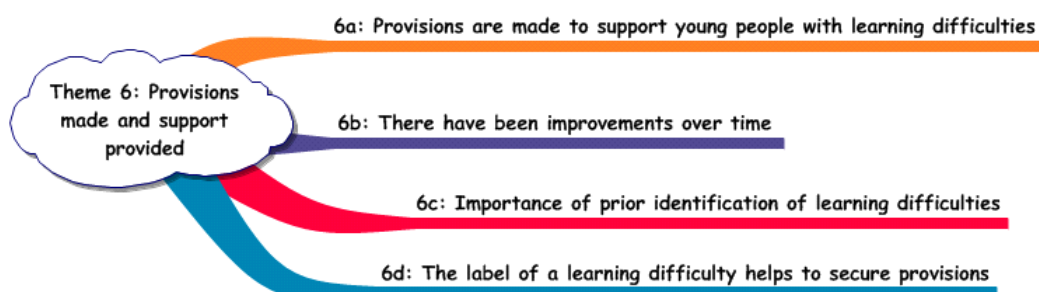
Participant 6 (a Barrister) on a number of occasions was quoted as saying: “So, um, and again it depends what you mean by learning difficulty, it’s so vague and not everyone understands different types of learning disabilities” (Line 50-51). He then explained how the vagueness of the ‘learning difficulty’ label limits the ability to give a specific response. He stated: “Um, I’m having difficulty answering your question, not just because I’m a lawyer being difficult but it’s such a wide open thing about what a learning difficulty is” (Line 67-70). Participant 8 (a Case Managing Practitioner) confirms his reluctance to use the term by stating: “Um, I don’t generally use the term learning difficulty very often, more an expression of the needs someone has and it would come as part of that needs package” (Line 191-193).

Participant 11 (a Solicitor) firmly indicates that there is a problem with the terminology and questions its relevance:

Erm, (.) well if you think about it, it’s not actually appropriate is it? ‘Learning difficulties’. It’s ‘understanding difficulties’ the majority of the time. It’s not that my

clients can't learn, they just can't understand, so how is it a learning difficulty?" (Line 142-144).

4.10 Theme 6: Provisions Made and Support Provided



When learning difficulties are identified, resources can be put in place to support the YPLDs through The Justice System.

6a: Provisions are made to support young people with learning difficulties

Participant 11 (Solicitor) explains how in one of her cases the use of a Litigation Friend would be beneficial:

I've done that a few times. I've also done that in one of my private law cases, using a litigation friend. I wouldn't say it was a learning difficulty, I'd say she's just had a very impoverished life; not educated, she doesn't understand any English. So she had an interpreter but I asked for her brother-in-law to come into court on the basis that (.) he listens to everything and he can go home and convey it to her, and make sure she fully understands it (Line 217-222).

Participant 12 (a Barrister) also gives an example where he would do this, explaining that: "when it comes to meeting them, as I said, I would keep things as simple as possible and be ready to change the way I explain things if they don't understand" (Line 115-117).

Participant 1 (the Chairwoman) indicates that she would pay attention to check client understanding:

And we are much more sensitive about the language people use. Erm, everybody uses jargon but I pick up on that carefully and am much more aware of checking out and saying ‘did you understand what was said?’ (Line 212-215).

However, whilst some participants followed an official line of practice, other participants could be considered to take a more relaxed approach in making the YPLDs feel less intimidated, as participant 11 (a Solicitor) explains:

So if I'm sitting in a shirt and suit and, erm, err, as-asking questions in a very erm, how can I word it? In a-in a very formal manner, it's harder to extract information out of them. So I kind of relax. I let myself (.) you know (.) it helps that I am a Brummie as well, I'm from Wolverhampton. So I kind of, I actually switch my accent as well sometimes they respond better, and so my mannerisms, my demeanour, everything has to change when dealing with these clients (Line 68-75).

6b: There have been improvements over time

However, The Justice System seems to have adapted to cope with learning difficulties and implement provisions to accommodate them according to participant 7 (a Barrister) as he says: “I think there’ve been a lot of changes over recent years to try and make it easier for people with learning difficulties to be heard in court” (Line 121-123).

Participant 4 (a Family Law Solicitor) gives an example of how things have become more efficient recently: “I think it’s better now that we often straight away get a cognitive functioning assessment” (Line 208-209).

Referring to how vulnerable witnesses are treated, participant 6 (a Barrister) says how the needs of an individual with learning difficulties are catered for in court. He explained that such things like: “giving evidence behind screens or giving evidence via a video link or something like that” (Line 123-124). He then makes the comparison of the treatment that YPLDs receive currently and in the past, stating: “Particularly with witnesses, they were treated like cattle before but they’re treated a bit better now I think” (Line 122-123). Participant 10 (a Police

Officer) believes that this could be due to the improved recognition of learning difficulties acknowledging: “I think so yeah over the years I’ve noticed there is more awareness of it and I think it has been identified” (Line 65).

However, participant 8 (the Case Managing Practitioner) concedes that although attitudes towards learning difficulties have made significant positive strides, there is still more to do:

I think there’s a long way, you know, it’s a hard job to do and I’m not sure it will necessarily be done well, it’s just done better than um, if it wasn’t there um, but I don’t know whether there is necessarily a perfect answer, it’s just it’s an improvement on a situation that’s gonna be quite difficult (Line 301-305).

6c: Importance of prior identification of LDs

As acknowledged in theme 4, according to participants the signs of a learning difficulty are often identifiable and thus the professionals are able to recognise which of their clients have learning difficulties. Participant 12 (a Barrister) refers to how they can rely on other professionals to supply information about the client. He stated: “it’s usually pretty obvious (.) Often they’ll have already been assessed by a Psychiatrist or it would be obvious from teachers’ reports” (Line 23). Participant 7 (another Barrister) has a similar perception:

Often it’s made very clear from the outset that the witness or victim, because I prosecute a lot, is someone who has a learning difficulty. It’s identified either by the police or by the witness or complainant in a case themselves (Line 8-10).

Participant 2 (the Volunteer Witness Support Worker) and participant 6 (a Barrister) acknowledges that YPLDs come into contact with other professionals beforehand, so he expresses that preparations are necessary: “Erm, So what happens there is that as long as we get a briefing beforehand we can be prepared” (Line 52), and then explains why regular organisation is beneficial: “Erm, we do get a daily briefing from the managers which includes

information if there are learning difficulties, er, those are highlighted in a sense. That's one of the key issues we do on pre-court work (participant 2, Line 18-21).

But you would hope that a police officer would pick it up and tell you that this person can't read or write. But of course if they don't tell the police officer and they're not looking out for it then they might not know (participant 6, Barrister, Line 43-45).

There was a similar finding with participant 12 (a Barrister) emphasising the importance of background research on young clients with learning difficulties:

No-one had picked it up. (.) The police officers working with him hadn't gone to the school so they didn't understand that he needed things explained. If they'd gone to the school they would have seen that the teachers knew that he needed things explained, and no-one at the police station understood the problems he was having. So he, they would say something to him and then ask him "do you understand it?" but he didn't. And because they would have assumed he was the same as any old person, they would just, lock him up! (Line 136-144).

Participant 11 (a Solicitor) provides some context about how CJP who have dealt with the YPLDs beforehand are already providing valuable support by explaining that: "So in some circumstances the support is there because they're working with someone already. And some of my clients who have learning difficulties have drug workers who go the extra mile and help out" (Line 209-211).

6d: The label of a learning difficulty helps to secure provisions

There is the view that being labelled as having a learning difficulty helps the YPLDs to avoid a prison sentence and instead receive support, as participant 3 (a Barrister) explains:

In terms of courts, I've never found anybody be prejudice at all, if anything it's helpful because if you're convicted, then a judge will be less inclined just to lock you up but will be looking at some package if possible to try and provide that person with some assistance. So if anything people will try and bend over backwards for you (Line 163-167).

In response to the benefits of labelling, participant 3 (a Barrister) also responds to how extra support is put in place:

It's a benefit for them. In just the same way that if you've got cancer. It's better to be able to say don't send them to prison please. You know any vulnerability a defendant has, be it physical, mental, whatever, psychological, unless it makes them dangerous, and is an advantage to them. If it's a characteristic that makes them dangerous then that's different, you know, if somebody's committing serious offences (Line 177-183).

Participant 6 (a Barrister) seems to share the same opinion, as he believes that: "Defendants are very keen to put forward in mitigation the fact that they've got Dyslexia or that they've got Attention Deficit and Hyperactivity Disorder or something because it helps them" (Line 116-118).

There is also the view that the law is now 'on the side' of people with learning difficulties, which is perceived to be the reason why those with learning difficulties receive constructive support instead of harsher consequences. Participant 5 (a Police Officer) suggests how labelling someone as having learning difficulties will result in extra support being put in place instead of punishments being given for their crime:

I'd say there's plenty of provisions in place for our clients, um, to be able to use the tag of having a learning disability to possibly get an easier ride. That may sound quite harsh but I'm only speaking from experience and the amount of people I've dealt with that have got ADHD diagnosed as being a potential cause of the reason why they are being unruly shall we say. So I'd say that it's well and truly on their side (Line 159-164).

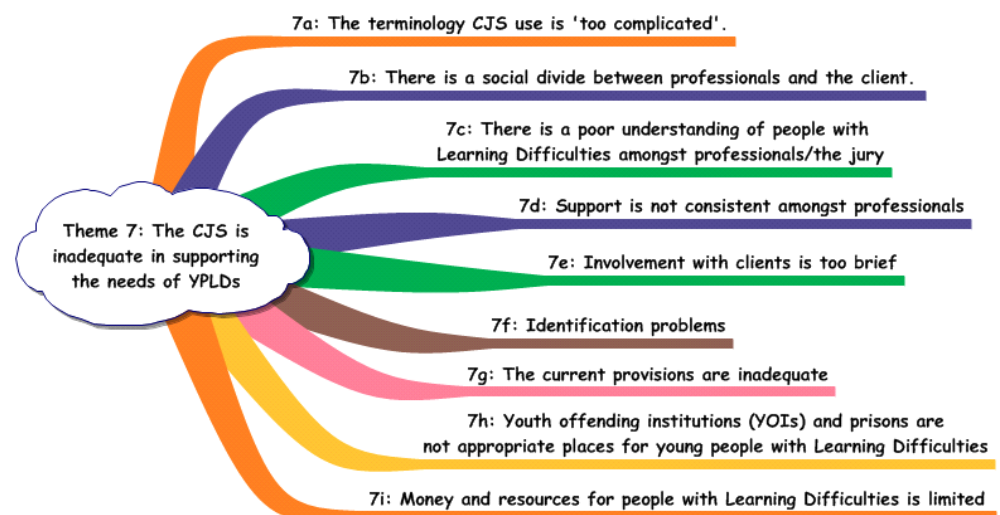
However, participant 8 (the Case Managing Practitioner) is of the opinion that labelling seems to be more of a positive step as he believes that: "Yeah, equally in terms of the provision that they have, they know an approach that they might take. So, the labelling in that respect is positive" (Line 201-203).

Finally, participant 4 (a Solicitor) and participant 8 (the Case Managing Practitioner) shed light on how labelling is good practice as it means that professionals can be alerted to the needs of clients and how to support them:

Um I think it depends, for professionals I think it's helpful because it flags it up to them straight away and you know they know that they have to, not in a different way in a detrimental sense but in a different way in a more positive sense to help them because if you, you can't treat somebody who's got a learning difficulty the same as somebody who hasn't you don't patronise, I don't patronise but you have to adapt the way you treat them and if you know that from the start it's helpful I think (participant 4, Solicitor, Line 165-171).

and: "In communication with other criminal justice organisations I feel it can help them because it gives the opportunity to describe in a common language to someone else where you could support this young person" (Participant 8, Case Managing Practitioner, Line 189-193).

4.11 Theme 7 - The Justice System is Inadequate in Supporting the Needs of YPLDs



There is a general perception that The Justice System is inadequate in dealing with learning difficulties and as a result, the CJP have been affected by the limitations imposed through such inadequacies. These inadequacies have been identified as an issue throughout many of the sub-themes.

7a: The terminology that The Justice System use is ‘too complicated’

Participant 11 (a Solicitor) states:

Half of the time I don’t know whether they’re actually understanding what I’m saying so I’m just speculating that I think he’s got it and I have to leave it at that, there’s no way of me really testing them other than to ask them (Line 286-289).

More to the point, participant 4 (a Solicitor) declared that legal terminology is difficult for anyone to understand:

No, I don’t even talk in sort of, solicitor’s language to most of my clients because they don’t understand it whether they have got learning difficulties or not and they think that then you are a bridge apart from them (Line 22-24).

On the whole, regarding The Justice System meeting the needs of YPLDs, there were comments such as: “It’s quite a complicated system” (participant 6, Barrister, Line 110) and:

the way in which the um, legal system works it, the law and how the law works is just mind blowing for people who have the capacity to understand it so for a young person a) a young person, b) with learning difficulties to engage with that it is you know massive” (participant 8, Line 294-297).

7b: There is a social divide between professionals and the client

Participant 7 (a Barrister) states how there is a divide between clients and themselves as CJP:

In criminal law, there is a divide in our society; we lawyers meet people who are from the other extreme of the scale of status or social scale or class, what you want to call it. One of the key things about doing this job is to be able to communicate and understand people and sometimes you wonder if you really can do it proper justice if you are so far apart (Line 110-118).

Adding how the social divide may lead to the CJP becoming more inept in dealing with clients by stating: “But if you’ve got someone who’s elitist and have come from Oxford University and they’re a partner of this firm, they’re not necessarily going to be the best person to speak

to that client” (participant 11, Solicitor, Line 83-85). However, she emphasises diversity and says that CJP do not necessarily come from privileged backgrounds: “We’re lawyers so you’ve got, you’ve got ALL sorts of people from ALL kinds of backgrounds” (Line 81-82). Participant 4 (a Solicitor) also stated: “And they think that then you’re a bridge apart from them” (Line 24). This was in reference to how clients with learning difficulties may feel detached from the CJP dealing with their case.

7c: There is a poor understanding of people with learning difficulties amongst professionals/the jury

According to participants, a lack of knowledge about learning difficulties results in the jury making misinformed decisions. Participant 6 (a Barrister) explains how more work is put in to educating the jury (who may hold pre-existing assumptions about learning difficulties that influences their overall decision-making):

In court, it makes it more difficult and I think in general terms with juries if you’ve got someone with learning difficulties giving evidence. Um and you have a lot more explaining to do and you have to um, kind of almost justify why they’re doing what they’re doing. The main thing is to identify it and get some sort of medical evidence, or other evidence to put before the jury to say, this is what this person has therefore you’re gonna find that they behave in a particular way, don’t be surprised by that it’s part of their condition. It doesn’t mean that they’re a liar and it doesn’t mean that they’re stupid (Line 100-107).

It is also felt that there is a lack of understanding about learning difficulties and this results in a barrier to support. This was identified by participant 7 (a Barrister) who stated: “I think there’s still a lot of understanding left to be done about those who have difficulties and why better understanding of them, so we can perhaps deal with them in a better way” (Line 83-86).

With reference to how the label of a learning difficulty can help to achieve some level of understanding about the needs, participant 8 (a Case Managing Practitioner) stated: “Um, but

it is more understanding of young people and if it gets somewhere to achieve that then it would be (helpful)” (Line 206-208).

7d: Support is not consistent amongst professionals

Participant 11 (a Solicitor) expresses how she believes CJP often feel frustrated when working on cases involving learning difficulties due to inconsistent support. She stated that:

I'll tell you what happens with peop-, people with learning difficulties frustrate me (.) And that's the short and tall of it because I have to spend more time with them (.) Half of the time I don't know whether they're actually understanding what I'm saying (Line 285-287).

Additionally, participant 8 (a Case Managing Practitioner) believes that extra support for YPLDs isn't universal:

In terms of the approach that's taken, it seems that there's more acknowledgment that these young people are likely to need extra support and that's given. Whereas, other roles or authorities haven't gone that far and therefore the young people have disengaged and then ended up in the youth justice system (Line 156-160).

Participant 11 (a Solicitor) shares a similar view about other solicitors:

I mean some of them do (have a supportive approach) because they do care for their work enough to know that you have to make sure that your client fully understands, but some of them, they just don't get it (Line 88-90).

7e: Involvement with clients is too brief

Participant 8 (a Case Managing Practitioner) says that the youth justice systems' involvement plays a relatively small part in their clients' lives:

But I still feel that in terms of youth justice, generally of the young people that I've worked with, you're only in a very small fraction of their life. So where you have that support and is able to give that to them in terms of learning difficulties is only one, you're only a small bit in their lives (Line 177-180).

Participant 10 (a Police Officer) shares a similar view about the police force by stating:

The more front line officers who are dealing with more simple offences that are streamlined and put through the idea is to put them through the system as quickly as possible. The work probably isn't put into working out whether they should be charged or not, they can be charged for instance, they can be arrested, they can be charged that same day by CPS direct so therefore they haven't looked into the background of the offender and whether there are other ways that they can be dealt with (Line 182-189).

However, it emerged that time appears to play a major role in CJP involvement with YPLDs, as expressed by participant 9 (a Youth Crime Officer) who stated: "But it takes time and patience to find that kind of thing out and people don't really have that, unfortunately" (Line 327-328).

7f: Identification problems

Participant 6 (a Barrister) recalls problems in identifying learning difficulties:

You're not always aware, but sometimes you become aware when they take the oath that whether or not they can, um, read or write when they ask for the oath to be read out to them, repeat it but they don't always say why (Line 38-41).

As previously discussed, identification of learning difficulties is important at all levels, not only when the client first enters into The Justice System but also concerning the problems that may arise when learning difficulties are not initially recognised.

Two different barristers claim that the police do less than expected of them:

Erm, well first of all you've got police involvement, erm there are cases you get where police have not recognised there's a problem. Erm and that can be a problem, you know that can be an issue (participant 3, a Barrister, Line 157-159).

For instance participant 12 (a Barrister) stated that: “The police officers working with him hadn’t gone to the school so they didn’t understand that he needed things explained” (Line 137-138).

Participant 11 (a Solicitor) criticises the local authorities for their inability to adequately recognise learning difficulties:

Local Authorities, under the new public law guidelines, have what we call the Piano, the public law outline scheme, where they’re supposed to do the majority of the, erm, assessment process work before the case goes to court. I have cases come in, I read the paperwork, the client comes in and within a minute I know that there’s a possibility that this client does not understand what I’m saying or doesn’t, or has some form of limited understanding. I immediately kick off and I want a cognitive functioning assessment but if you look back the Local Authority has been dealing with them for often up to six months, twelve months. I even know of a case where the local authority have been dealing with a client for two years and not once have they thought ‘shall we find out if this woman’s got any difficulties’? (Line 461-469).

Participant 9 (a Youth Crime Officer) laments how the inadequacies of The Justice System may result in late identification of learning difficulties and then mentions why early identification is essential saying that: “At no point nobody’s picked up on the fact that he can’t read or write. He’s been asked to sign things in custody and nobody picked up on that” (Line 318-320).

7g: The current provisions are inadequate

Participant 11 (a Solicitor) feels that those with learning difficulties are even more vulnerable due to a lack of expertise: “We use a volunteer programme and more often than not with the clients we’re dealing with there’s nobody to volunteer. So they’re exposed” (Line 254-255).

Participant 3 (a Barrister) points out how financial cuts affect the support given. He stated that: “I’m sure in your experience you can do this without one” (Line 135) is the kind of attitude he feels Judges have nowadays due to: “You know, budget cuts” (Line 136). He is also of the opinion that: “They still get the support but you’re less likely to get an intermediary now than you were two years ago” (Line 171).

Additionally, suggesting that there is a need for more extensive support involvement:

So, where you have more involvement with a young person, I feel that you could support them and promote them and that, but other young people where you just see them once a week or once a month, I don’t feel you really have any major contribution because your contact time with them is limited (Line 181-184).

Moreover, participant 1 (the Chairwoman) felt that young people with mild learning difficulties are not receiving adequate support:

Erm, people who have a mild learning difficulty and just find life difficult and understanding difficult, are more of a challenge in many ways because the support structures aren’t in place. And this is a young woman who’s got some level of learning disability but not enough for her to meet the, er, adult disability threshold; so she’s not getting a service from the adult team (Line 421-425).

7h: Youth offending institutions (YOIs) and prisons are not appropriate places for young people with learning difficulties

Participant 9 (a Youth Crime Officer) argues that there is a lack of support for young people with learning difficulties in prison:

And whether or not there would have been the support network in prison to support him, I doubt. I could be guessing, but I doubt because if they're suffering the same sort of cut backs that we are, those kinds of services go by the wayside (Line 254-256).

Participant 10 (a Police Officer) comments on how YOIs are hostile environments:

Yeah and obviously there are certain environments where they would become a target because of the people that they're put amongst, so like you say in a young offender's institute, they're not necessarily gonna be the most educated of people when it comes to things like that (Line 151-154).

Participant 9 (a Youth Crime Officer) adds:

It's a prison, it's where they go, they get punished but they're corralled and it's like anywhere, if you think about a school environment where they're not necessarily corralled but the kids are all there together when you pick, when there's somebody that is vulnerable or weak they will get picked on, they will get bullied and if he'd gone to that, he would have just been singled out (Line 248-252).

Further adding, with reference to their inability to cope:

And you have heard of it in the media or you heard of kids that have gone into these places and they've committed suicide and it's been glossed over, you know that the outcome, 'oh yeah duh duh, he's glossed over (Line 257-259).

7i: Money and resources for people with learning difficulties is limited

As well as a lack of resources in school, participants also expressed a lack of resources in other areas:

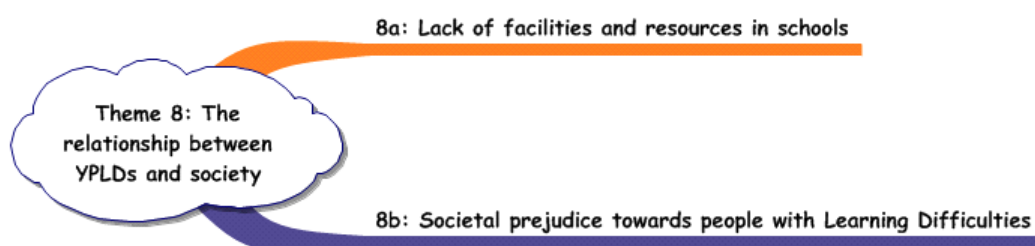
Participant 11 (a Solicitor) suggested there is a lack of resources from Social Services:

In light of her learning difficulties she should have somebody from the adult disability team attending meetings and going to court with her to ensure she fully understands what's going on. And that doesn't happen and that's a resource issue but technically the Local Authority would like that to happen and the government would (.) but they're not going to pay for it...The resources are very low across the board (Line 238-242).

Participant 5 (a Police Officer) also feels that limited finances result in fewer resources for vulnerable individuals within The Justice System as he stated that: “Courses are hard to come by because obviously there’s a financial attachment to that” (Line 58-59). Participant 11 (a Solicitor) also sheds light on how specialist services are being cut and the cost-saving measures that are enforced:

Resources is a big issue at the moment. Resources is an issue for organisations like Sure Start because they’ve started shutting them down, they’re pulling their resources and it’s often if you’ve got someone with a learning difficulty, the majority of their support will come from Sure Start because they have specialist people there to help people with learning difficulties ...We can’t fund anything on our certificates. I can’t ring a litigation friend and have (them paid) so we use a volunteer programme and more often than not with the clients we’re dealing with there’s nobody to volunteer (Line 247-255).

4.12 Theme 8: The Relationship between YPLDs and Society



YPLDs may have different experiences in life in comparison with young people without learning difficulties, and thus their experiences at school and within society are explored.

8a: Lack of facilities and resources in schools

Participant 9 (a Youth Crime Officer) identifies how a lack of facilities impacts upon recognition of academic (in)ability and its distinctiveness from learning difficulties:

I mean it's really difficult with kids in any case umm, and, particularly in [place] there's a real fine line between learning difficulties and just the fact that [place] is quite a socially deprived area. So there's a lot of kids who haven't had access to education so it's that very fine line as whether or not they are actually diagnosed as having learning difficulties (Line 28-32).

Though schools have improved their facilities, participant 11 (a Solicitor) is of the opinion that they haven't helped to facilitate the learning of children and young people with learning difficulties enough:

And you would have thought with, erm, education becoming more and more advanced, (.) you know, the number of clients that we get with learning difficulties and some of them can't even read, you wouldn't expect to be dealing with that, you know, in this society that we are in (Line 24-27).

Participant 11 (a Solicitor) criticised schools for their lack of resources to support YPLDs:

What I think is a shame about the system and the way things are at the moment, it must go back to schooling; there's not enough resources in schools to support young people with learning difficulties which means that they leave school early because they don't fit in or that they just can't adapt to what's deemed a normal lifestyle and then they are out in the community utterly exposed (Line 361-366).

8b: Societal prejudice towards people with learning difficulties

Various CJP seem to agree that society has a prejudicial attitude towards people with learning difficulties. This was highlighted through the responses of participants 7, 4 and 9: "I think that uh, generally in society people with learning difficulties are not given the respect they deserve" (participant 7, Barrister, Line 81-82). Participant 4 added: "My experience of people with significant learning difficulties are that they tend to have abuse from members of the public and it's really sad" (participant 4, Family Law Solicitor, Line 180-181), and participant 9 stated:

Over the years we've heard in the media of some quite horrendous cases of people that have been victimised because of learning difficulties, because the community

around them don't understand that, they just think they're weird, they're different, they don't, you know because they do something with regularity and it's different, it's weird. You know, that just comes from lack of education and educating people, whether that's education in a community or education within schooling or anything else, but it's a lack of understanding by people, it's not right (participant 9, Youth Crime Officer, Line 95-102).

These are a sample of the views and opinions examining the lack of awareness and education surrounding learning difficulties and thus, society's understanding of them.

Participant 6 (a Barrister) highlights how a lack of basic understanding about learning difficulties can lead to derogatory statements being used:

Again, there could be prejudice if you were just, for example to use a common phrase, this person's just really thick or something like that. When what that is doing, or is lazy. But what that is doing is covering up an actual difficulty that no one has explained to you. So on the face of it, if you knew someone had a learning difficulty, I don't think there would be prejudice against you necessarily (Line 95-99).

Participant 9 (a Youth Crime Officer) believes that these stereotypes reinforce negative views towards the label of a learning difficulty:

When I was at school, kids with learning difficulties were called special needs kids and they all went to separate lessons and they went to this room where they did whatever they did and as other kids you never knew what went on in that room (Line 137-141).

Elaborating on how old stereotypes limit awareness and an updated understanding of learning difficulties, he further stated: "those kids who couldn't do it were 'thick', 'dumb' " (Line 150).

CHAPTER FIVE: DISCUSSION

The aim of this study was to explore the perceptions of CJP's knowledge and attitudes towards YPLDs who encounter The Justice System as victims, witnesses or offenders. In completing a thematic analysis of interviews conducted with this professional group, a total of eight broad themes emerged which addressed the research aim. Each theme will be considered in turn, in terms of how it relates to past research and the implications for current practices within The Justice System will also be set out. Following on from this, the remainder of the discussion will consider the limitations of the present research, future directions for research in this area and the potential role for EPs as consultants and professional practitioners within The Justice System.

5.1 Theme 1: Training

A training theme emerged which demonstrated a divide in opinion; whilst some participants found their training to be unsatisfactory, others considered their training to have been useful and important within their professional role. This division of attitudes amongst the participants primarily related to the large number of discrepancies found within the training undertaken by different professionals, sometimes as a product of regional variation in protocol (Hayes, 2007). For instance, the majority of participants had been involved with some level of training related to 'vulnerable' clients, replicating the findings of previous studies on CJP (McAfee & Musso, 1995; Kvarfordt et al., 2005). However, there is limited training on how to recognise and differentiate between learning difficulties and mental illness and even less on these conditions in children as opposed to adults. This was emphasised by the majority of the sample stating that they had not received any training that specifically dealt with YPLDs (supporting previous findings from Mencap (1997), Cant and Standen (2007), and Talbot and Riley (2007)).

Aspects of this theme highlight the need for a focus on individuality since most training appeared to consider the wider group of vulnerable clients, rather than targeting specific areas of difficulty, such as cognitive limitations, disability or learning difficulties. This supports the recent findings by HMI Probation et al. (2014) which found that whilst police had received training on vulnerability, none of them had been provided with training on the identification of those with learning difficulties, nor how to deal with such individuals. It was also highlighted in the Bradley Report (2009) that none of the forces that were visited provided specialist training to custody officers in identifying or managing detainees with learning disabilities. The training that was provided within The Justice System was also considered to be inadequate by some of the participants, believing that it was too 'lecture based' and impractical. This further supports the findings of Gendle and Woodhams (2005), whose respondents stated that they felt they would benefit from more direct 'hands on', as opposed to theoretical training, which was sometimes too complicated. This study adds merit to these findings as many participants felt that their training with regards to learning difficulties was insufficient. Furthermore, those that had received training had deemed it important and useful in their job role. These outcomes highlight the need for the development of training that links theory and practice more explicitly.

One might therefore suggest that further training may be beneficial, but only if the training needs of those required to undertake it are thoroughly considered and the training is provided by professionals who are considered to be expert in the field, such as EPs. If the training provided does not consider the array of individual needs of CJP and the differing demands within their respective roles, then it may be perceived to be less effective and thus, negative feelings towards training are likely to arise (Talbot & Riley, 2007). Additionally, it is important that training is varied and is able to encourage personnel to understand that all clients have differing needs. In current practice, comprehension and communication difficulties are often prevalent amongst individuals with learning difficulties, yet they may not be recognised due to

awareness training neglecting to focus on this unique subgroup of clients (Talbot & Riley, 2007; Cant & Standen, 2007). Therefore, training relating to ‘vulnerable witnesses’ should also reflect that this is not a homogenous group; people may be vulnerable for very different reasons and therefore individuals with learning difficulties should not be excluded from accessing additional support.

5.2 Theme 2: Experience

The participants relied upon their experience of encountering YPLDs when formulating their responses during interview. The theme of ‘experience’ encompasses the feeling amongst CJP that lived experience is important both in their professional role and effective in their practice with others.

It has been recognised in previous studies that knowledge acquisition is facilitated more effectively through lived experience as opposed to theoretical training. For instance, police officers in the study by Gendle and Woodhams (2005) stated that knowledge is acquired ‘on the job’ and that training regimes that tend to be too theoretical do not take this skill development process into account. In terms of current practice, the importance placed on experience with YPLDs should be strongly considered in the development of new training regimes for CJP. For instance, it may be beneficial to incorporate 'active training', whereby trainees would be given the opportunity to experience what it is like to communicate and work with this client group. This experience could be gained through engagement in practical activities, combined with a more formal theoretical exercise (such as an essay or a small research project) leading to qualifications or certification enabling professionals to work with clients with learning difficulties. The recent report from Her Majesty's Inspectorate of Constabulary (HMIC, 2014) asserted that the provision of training aimed at enhancing the knowledge of CJP in dealing with YPLDs is currently insufficient. Therefore it could be argued

that there is a potential role for educational psychology within The Justice System through involvement in training, consultation, offering advice and support and in multi-agency meetings (Ryrie, 2006), thereby helping to ensure that the needs of the YPLDs are met.

5.3 Theme 3: Importance of considering Individuality and Equality

This theme mainly concerns itself with the treatment of people as unique individuals, independent of their status of having a learning difficulty. Some participants vocalised opinions stressing the importance of recognising young people as individuals with their own needs and merits, as opposed to simply being part of a homogenous group. CJP interviewed for this study emphasised the notion of fairness and equality and their aspiration to alter their approach when dealing with this vulnerable group.

However, past research has highlighted that in some circumstances, police are pressured to process offenders quickly, thus compromising their effective and careful treatment (Hellenbach, 2011). The Bradley Report (2009) asserted that the ability to recognise learning disabilities in YPLDs was predominantly based on risk assessments by custody officers, which on the whole could be considered as inadequate. This is because differing needs are not taken into account and as such a mind-set appears to exist whereby individuals often have to fit into certain criteria before they qualify for support. For instance, to be granted the presence of an Appropriate Adult during questioning, one must be either under the age of 17, or suffering from a 'mental handicap' PACE (Home Office, 1984). This presents problems, as these guidelines do not account for individual differences. Every young person is unique and their individual needs and abilities are not always obvious, thus making it challenging for a custody officer to be able to easily identify whether or not he/she has a mental handicap. In reality, each individual has differing needs, therefore in the case of a young person with a learning difficulty, his/her

IQ would not necessarily place him/her within the learning disability category, resulting in him/her being unable to gain access to an appropriate adult. This is despite the fact that his/her difficulties with comprehension and language may signify that an appropriate adult would be beneficial to him/her during the interview process.

Another shortcoming highlighted in the Bradley Report was that inspectors discovered that criminal justice agencies were considerably lacking in their ability to identify exactly what constitutes a learning difficulty/disability. In defence of CJP, it should be noted that one could not expect CJP without adequate training to make such instant decisions, consequently, this may result in many YPLDs not being offered the appropriate support to meet their specific needs (Bradley, 2009).

Based on issues that have emerged within this theme, it is clear that the need to recognise individuality and ensure equality is of high importance for the majority of this sample of CJP. When considered in conjunction with the existing research base (Gendle & Woodhams, 2005; Hellenbach, 2011), it is notable that individual needs are not always considered, particularly in relation to those with learning difficulties. Therefore, the 'tick box' approach, whereby a certain label (most often 'mental handicap' or 'disability') must be present, could be considered as a means of categorising people and thus does little to highlight their individual needs. When considering improvements within The Justice System for YPLDs, it could be argued that improvements are required to the process by which people with a learning difficulty are identified. Conversely, identification and diagnosis without rigorous training may also incorrectly indicate the presence of a learning difficulty or wrongly categorise individuals encountering The Justice System. It is suggested that greater emphasis should be placed on specialists such as psychologists to provide assistance in correctly identifying a young person's individual needs when they encounter The Justice System.

The present study, in support of the Bradley Report (2009), also highlights that although the Police have a duty to provide offenders who are 'vulnerable' with an appropriate adult to support them in custody, however, when individuals were identified as having a learning disability, an appropriate adult was not always provided (Bradley Report, 2009). It could therefore be considered that as an advocate for YPLDs, psychologists could attend custody suites to support the allocation of an appropriate adult in order to ensure equal rights for YPLDs. Due to variation in the types of learning difficulty, as well as many other factors that result in young people encountering The Justice System, each young person's case will be different. Therefore, it seems apt that a detailed assessment of individual need is conducted in order to provide support and intervention that is tailored to the young person's needs rather than a 'one size fits all' approach (Bailey & Scott, 2008). Whilst endeavouring to gain an understanding of a young person's needs, a thorough assessment is required by a specialist who is knowledgeable and experienced in SEN. Educational psychology services would seem ideally suited to this role due to their expertise in SEN, as well as their knowledge of social, emotional and mental health (Mackay, 1999).

Additionally, one might also argue that it may be beneficial to relax the restrictions on accessing provisions (such as access to an appropriate adult or registered intermediary), in order to ensure that all individuals who may require special measures can access them.

5.4 Theme 4: Identification of Learning Difficulties within The Justice System

As discussed in the Bradley Report (2009), it is important that those experiencing learning disabilities who encounter The Justice System are identified at the early stages to allow for CJP to tailor their approach according to need. However, in the present study it was acknowledged by the CJP that recognition of the presence of learning difficulties falls either to themselves, or

to the police or social workers, as they are the initial points of contact within The Justice System. Even though many of the young people involved with The Justice System are likely to have been identified at school, and as such, are likely to have comprehensive and long standing records of SEN provision which could be useful in this process, such information is rarely accessed. This information is important when considering the previous finding that none of the sample had received training directly related to learning difficulties.

It would therefore be reasonable to suggest that CJP would be ill equipped to identify the characteristics of learning difficulties, which raises the question, ‘what indicators are relied upon in order for CJP to make this identification?’. Clare and Gudjonsson (1991) discovered that only a third of those individuals with learning difficulties felt it important to inform a professional within The Justice System of their learning difficulty. Therefore, it is evident that, as self-disclosure cannot be relied upon, it would be advantageous for CJP to recognise when the signs of a learning difficulty are present.

Various indicators of a learning difficulty were discussed during the interviews and they ranged in terms of their accuracy and relevance. For instance, some of the sample stated that a difficulty in social situations or a communication difficulty would alert them to the possible presence of a learning difficulty. However, other cues included childlike traits or the presence of behavioural problems, where many of these characteristics represent issues that may not always be consistently considered indicators of a learning difficulty. In order to accurately identify the presence of any form of disability (or indeed a learning difficulty) a comprehensive assessment completed by a qualified professional is required before a judgement can be made regarding the presence or otherwise of a learning difficulty. Conducting such specialist assessments does not fall within the remit of the general population of CJP. If the traits acknowledged by the present sample are only considered as indicators, as opposed to firm

evidence of the presence of a learning difficulty, then this in itself may be useful if they prompt CJP to seek an official assessment.

It is also of note within this theme, that a critical issue for participants is the inconsistencies surrounding their understanding of appropriate diagnostic procedures, within the context in which there is some concern about labelling and also some concern about missing signs of a learning difficulty. A possible way forward is to adopt a consistent screening procedure used by first line workers, incorporating the use of structured questions to be administered during the initial processing stage. This screening process could then inform the next stage of professional assessment (possibly completed by an EP), leading to recommendations for approaches, interventions and use of special measures, individualised according to need to avoid a 'one size fits all' approach (Bailey & Scott, 2008).

5.5 Theme 5: Problems with Terminology

The views expressed by a selection of the sample of CJP was that the label of a 'learning difficulty' has little use and does not serve much purpose in practice with this client group. Two clear issues were identified within this theme, firstly, that simply applying the label of a 'learning difficulty' to an individual is not useful to him/her, as it could lead to him/her being stigmatised. It was suggested that if a client is labelled as 'learning disabled', there is a possibility that perhaps out-dated, negative connotations attached to the label could have a detrimental impact for the individual concerned. Research by Rosser (1990) has highlighted that prejudice and stigmatisation based on a 'learning disability' diagnosis could be prominent early on in criminal justice procedures, for instance, police may hold preconceived notions regarding such a label and therefore apply them to new clients who are perceived to have similar difficulties. Specifically, it has been found that learning difficulties are often considered to equate to mental disorders (Hayes, 2004), which may impact upon the treatment that YPLDs

receive within The Justice System. Certain professional groups, in particular, the police, have been shown in some cases to have a limited understanding of mental illness (Kimhi et al., 1998). Research has also identified that people who experience learning difficulties and who have been a victim of criminal acts often feel that the outcome of reporting a crime to the police would not be favourable (Beadle-Brown et al., 2014) and that certain professionals do not take their claims seriously (Mencap, 1999). Such negative perceptions may also result from the double stigmatisation of being a victim of crime and having a learning disability and may also be a contributory factor to the 62% of individuals subjected to victimisation who choose not to report the offence to the police (Beadle-Brown et al., 2014).

More often than not, prejudice and stigmatisation can result from completely unfounded notions about a particular group of people. Stigmatisation found within The Justice System could impede an individual's access to fair and equal treatment. It would be expected, however, that CJP act in a non-judgemental way and that prevailing attitudes regarding particular client groups are founded upon evidence based practice. Fortunately, in the present research study, the sample of CJP were able to recognise that stigmatisation is negative and should be avoided, with the entire sample considering it important that clients are treated fairly.

The issue of stigmatisation, as a result of being labelled with a 'learning difficulty' is consistent with previous research findings by McAfee et al. (2001), who concluded that police officers judged those who had a learning disability to be less believable and more dangerous than their non-disabled counterparts.

The second issue to arise within this theme was the terminology being used, i.e. having a 'learning difficulty' as a means of describing someone was seen as ineffective. The main argument being that it is too vague to describe someone's abilities and difficulties. Learning difficulty is a generic term and is unhelpful for two reasons. Firstly, there is a wide range within

any diagnostic category, and secondly, it is more important to consider functional interventions, as opposed to diagnostic categorisation. Whereas something that would be more beneficial would be a focused assessment, to provide more clearly defined and individualised recommendations.

One might be correct in stating that the term used alone is ineffective in providing an insight into a client's individual needs and abilities. Despite this, the term 'learning difficulty' as a concept does serve to distinguish it from other disorders, such as mental disorders, as these are very different concepts which may become entwined within the thinking of an uninformed professional (Kimhi et al., 1998).

Therefore, assessments that aim to assess the presence of a learning difficulty should seek to highlight specific features pertaining to the client, which is relevant when exploring his/her individual abilities and difficulties. This will not only be useful to the client, but also for professionals working with him/her, as it would assist them in focusing interventions at those areas which need additional support. Such a detailed description of a client's abilities should also be encouraged in all correspondence between professionals. This approach would encourage the perception that YPLDs are not just people who have learning difficulties, but are in fact distinct and unique individuals, who aside from falling into the 'learning difficulty' category, have areas of strength, in addition to their weaknesses. Therefore, support and knowledge being offered by the professionals in such cases should be consistent and specifically tailored towards meeting the needs of YPLDs.

5.6 Theme 6: Provisions Made and Support Provided

The opinions of the CJP within this sample were divided into those who held the viewpoint as to whether or not The Justice System is an appropriate environment for YPLDs. This theme

identifies that there were some provisions in place, such as Special Measures (Youth Justice and Criminal Evidence Act, 1999) and the use of an Appropriate Adult (PACE, 1984), and there was evidence of improvements, whereby early identification and a diagnosis resulting in a label helped in accessing such provisions.

The discussions within this theme are informative as to the ways in which professionals feel able to adapt their approach to meet the needs of the individual, if difficulties have been identified. This theme also identified that some of the participants were comfortable making their own adjustments, for example, through modifying their own use of language and expression. However, this is in contrast with findings from Talbot and Riley (2007), where it was identified that the majority of interviewees were unsure of how to support individuals with learning difficulties. Additionally, Bradley (2009) also found that in two-thirds of cases passed from the police to the Crown Prosecution Service, the CPS lawyer did not receive information about the person's learning disability, despite this being a factor in informing their decision to charge.

Within this theme, it is also acknowledged that The Justice System has improved over time, perhaps due to the implementation of certain wide reaching policies and due to more recent developments, such as the 2013 amendment to the Notice to Detained Persons.

On the other hand, in contrast to the positive opinions expressed about the merits of The Justice System comes opposition, both from other individuals within the sample and from previous research. Talbot and Riley (2007) found that often CJP were unaware of how to provide support effectively within The Justice System. Additionally, it has also been recognised that positive attitudes towards The Justice System is heavily dependent upon the accurate identification of YPLDs, which poses the question as to whether or not The Justice System adequately caters for the needs of those who have yet to be identified (Talbot & Riley, 2007). Indeed, a sub-

theme emerged which associated the acquisition of the label ‘learning difficulty’ as a necessary precursor to accessing support. This is in line with previous findings in the literature, as O’Mahony et al. (2011) argued that the greatest barrier yet to be overcome is the early identification of vulnerable victims, witnesses and suspects who have a learning difficulty (and labelling them as such). This belief conflicts with the attitude that people should be treated completely independently and according to their own individual needs, as it implies one must be labelled as having a learning disability in order to be adequately catered for, leading to the potential for ‘borderline’ cases to be marginalised.

It is promising within this theme that professionals take a personal interest in the client and adapt their approach when they recognise that they may need extra support, instead of relying entirely on established support protocols. It could be argued that this decision-making process partially contributes towards counteracting the bias that, only those who have received a formal diagnosis of a learning disability should be entitled to special measures. For instance, if a client has a learning difficulty but does not qualify for the support of an intermediary, then it is at the discretion of their solicitor to help them to read written documents, if there is a need to do so. The findings of this present study suggest that some professionals modify their approach when they recognise that someone may need additional support. However, this finding was not consistent across all participants. It may therefore be beneficial for CJP to be encouraged to support clients who they recognise as having difficulties, which may not be severe enough to warrant formal support. It may also be beneficial to increase the use of the litigation friend, as such provision is a positive element of the service provided by CJP and would undoubtedly help to support YPLDs who encounter The Justice System, regardless of the extent of their difficulties.

5.7 Theme 7: The Justice System is Inadequate in Supporting the Needs of YPLDs

This is the largest theme and it encompasses the various ways in which the sample of CJP considers The Justice System to be inadequate in catering for the needs of YPLDs. The sub-themes that emerged are extensive, each one focusing on an area considered to have a negative impact on supporting YPLDs. The first sub-theme is that The Justice System is too complicated for YPLDs. The system and the workings of the Law are difficult to understand, even for those individuals who do not have learning difficulties, thus it is likely that YPLDs are at an extreme disadvantage in such an environment and are much less likely to understand the intricacies of The Justice System during their period of engagement with it. For example, past research has demonstrated that the police caution was found to be too complex for a suspect with learning difficulties to understand (Clare et al., 1998) and as such this influences the likelihood they will not understand their right to legal advice during interrogation (Clare & Gudjonsson, 1995). This is also supported by more recent research from HMI Probation et al. (2014) who found that even though the system is complicated, the whole court process did not seem focused on assisting those with a learning disability.

Upon examination of transcripts, it has been demonstrated that young people in particular tend not to understand the importance of informing the court when they do not understand a complex question and instead, simply reply with “I don’t know”, or give conflicting information which may be interpreted as them being an unreliable witness or lying, thus potentially decreasing their perceived credibility (Kebbell & Johnson, 2000). This could result in many young offenders not receiving appropriate representation by the youth justice system by virtue of the fact that their needs have not been recognised.

Although it would be difficult to make The Justice System easier to understand for YPLDs, it is feasible however to encourage professionals to spend more time ensuring that YPLDs have

access to additional specific information in order to gain a greater understanding of The Justice System; to help inform them as to what is happening to them throughout the process. If a client with learning difficulties is supported more effectively to understand what is happening to him/her, it is more likely that he/she will be able to procure the safeguards he/she is entitled to (Clare & Gudjonsson, 1995). This may result in a less stressful experience for those encountering The Justice System. Lord Bradley's review (2009) stressed the importance of promptly intervening and providing support for vulnerable young individuals. By radically overhauling the youth justice system to ensure that good practice becomes standard practice, the system may be better served by steering these individuals away from a life of offending. That being said, some measures have already been implemented, such as a pictorial version of the Notice to Detained Persons, which was introduced in 2013. This is an important development, but in order to help YPLDs understand The Justice System further, having access to an EP who could identify their needs and provide necessary support at an earlier stage, may contribute towards facilitating a better understanding amongst vulnerable clients.

Another sub-theme is the perception of a social divide between clients and their legal representatives, often resulting in communication barriers and a feeling of detachment by clients (Talbot, 2010). Some of the participants in this sample suggested that this is an issue in their practice and affects the service provided, particularly when there are barriers to communication. Of particular importance, it was noted that this issue was primarily raised amongst the Solicitors and Barristers. Experience and practice with particular client groups, from a range of socio-economic backgrounds may help professionals develop their ability to communicate more effectively. This again relates to the 'experience' and 'training' themes, in that training alone is only part of teaching communication skills and as such, experience is also an important factor. Thus, perhaps future training may take the form of an apprenticeship route,

which could also encompass practical experience that explores effective communication techniques with YPLDs.

However, in contrast to this, evidence did emerge that although some professionals feel that they learn through experience in their work with 'lower socio-economic status' clients, some professionals still demonstrate limited understanding and knowledge of learning difficulties, which may impact on the perceptions held by professionals regarding YPLDs. In this sub-theme, which mainly focused on the knowledge held by the jury, one participant highlighted the fact that he did not consider professionals to have a thorough enough knowledge of YPLDs. It could be suggested therefore, that jurors due to their limited understanding of YPLDs and the specific challenges faced by this client group, may make poor judgements about the credibility of the evidence provided. This perception concerning questionable decisions regarding a suspect or witness due to the failure to identify their learning difficulties or specific needs by criminal justice agencies was also recognised by HMI Probation et al. (2014) joint report on the treatment of offenders with learning disabilities within The Justice System. Their assumption was based on the treatment of offenders from six different areas encompassing the time from initial arrest to finally being sentenced.

Wells and Leippe (1981) demonstrated that the jury can sometimes discredit witnesses due to the misinterpretation of characteristics that are typical in an individual with learning difficulties. In this study the jury discredited a witness, when during heavy scrutiny the witness demonstrated difficulty relaying peripheral details. In contrast to the perceptions held by the jury in the above study, Kebbell and Hatton (1999) suggest that in fact, individuals with learning difficulties can produce relatively accurate accounts of the peripheral details of an event if particular court measures are in place, for example, suitable questioning is used, and appropriate examination and cross examination strategies are adopted. It might therefore be argued that in order for a jury to be able to fairly assess witnesses and victims with a learning

difficulty, it should be provided with knowledge of the capabilities and likely traits of individuals with learning difficulties in order to avoid the misinterpretation of certain behaviours. Therefore once again, this research illuminates the importance of this as an area where EP involvement could be considered to be immensely valuable.

A further issue that emerged within the accounts of the participants is the perception that support provided to clients is inconsistent amongst professionals. Suggestions were made that different groups of professionals may invest more time than others in supporting clients with learning difficulties/disabilities. Additionally, it was recognised that in some cases, conflicts between different professionals can emerge, compromising the support afforded to the client. A lack of consistency in the treatment of YPLDs by different professionals could therefore make progression through The Justice System more difficult.

An additional sub-theme which is of relevance here, is that professionals frequently recognised that not enough time is spent working with vulnerable clients and any time that is spent with clients is too brief, in order to provide full, tailored support. It was suggested that due to practical demands and high caseloads, an insufficient amount of time is spent with each client. This may be particularly detrimental to clients who need ideas explaining in more depth due to their limited comprehension. It also emerged within the literature, that in some professions such as the police, strict performance targets are enforced which demand that detainees are processed quickly (Hellenbach, 2011). This finding has been supported in the present study, when one of the police officers within the sample stated: “the idea is to put them through the system as quickly as possible” (participant 10, a Police Officer, Line 184). This closely relates to another sub-theme; that resources and funding are very limited within The Justice System to provide the expected service. Additionally, one participant highlighted that in most cases, services and support for vulnerable individuals and YPLDs are detrimentally impacted as a result of recent financial cut backs. Cutbacks to resources are currently a pertinent issue.

Resources are an issue for organisations like Sure Start because they've started shutting them down, they're pulling their resources and it's very often that if you've got someone with a learning difficulty, the majority of their support will come from Sure Start because, they have specialists there to help people with learning difficulties (participant 11, a Solicitor, Line 247-251).

Unfortunately at present, The Justice System, like other large state funded services, are having to reduce their overheads due to decreases in funding. Additionally, local authorities that may be responsible for providing support during the initial stages of The Justice System are also experiencing cutbacks. Consequently, it seems that specialist support for vulnerable suspects, witnesses and victims within The Justice System is an area which has been affected by austerity measures. Therefore, one might argue that resource allocation within The Justice System should be reconsidered in order to ensure fair and equal access to justice for all vulnerable clients. Should such services cease, it is likely that The Justice System will almost certainly regress in its efforts to provide support to vulnerable individuals, including YPLDs.

Participants suggested that a lack of knowledge and training led to offenders with a learning disability being perceived as a 'problem to be processed' rather than an individual with particular needs requiring support. Hayes (2004), Chitsabesan and Bailey (2006) and HMIC (2014) ascertained that accurate identification of individual needs would appear to be a recurring problem, whereby more often than not offenders with learning difficulties were not receiving the support they required to reduce their risk of reoffending. A proportion of Police Custody Sergeants stated that in some areas, even when a learning disability had been recognised, there was not an appropriate adult available to offer support. Problems with identification of learning difficulties was recognised as an issue within the current sample of CJP, with a high number of individuals stating that: identification of learning difficulties does not take place; relies too heavily on self-reporting of clients; or takes place too late into proceedings, meaning that safeguards cannot be procured in the initial stages of The Justice

System. Additionally, within this study, it was recognised that screening and identification often falls to untrained professionals. Lack of identification decreases the possibility that a vulnerable client will procure the entitled safeguards, or in some cases evidence provided prior to identification will be deemed inadmissible, which will considerably delay proceedings.

Finally, dissatisfaction was expressed amongst the present sample towards specific elements of the service provided within The Justice System. For example, when discussing the use of TV link, participant 7 (a Barrister) stated: “And I think it’s easier for jurors to sometimes dismiss or not feel sure about a complainant when it’s almost like watching a DVD switch on and off, out of the way. They need that experience” (Line 134-136). When discussing the use of intermediaries, it was also stated that: “sometimes I think they [intermediaries] are not realistic enough in their assessment of what the ability of the witness is, sometimes I think it may be because over time the intermediary may have developed a certain rapport, an association” (Line 68-70). Various other criticisms of The Justice System also emerged within this sub-theme, a sample of which included: the fact that support is not always accessed; the jurisdiction of the judge to either grant or deny special measures; lack of support for defendants and additionally lack of support for those with ‘mild’ learning difficulties. Nine out of twelve of the sample participants expressed an attitude implying some degree of dissatisfaction with the treatment currently experienced by young people within The Justice System. Past research has also demonstrated that often support mechanisms are not utilised effectively, for instance, Appropriate Adults are known in some cases to make inappropriate contributions or no contribution at all (Pearse & Gudjonsson, 1996; Medford et al., 2003) and intermediaries are still not consistently provided for defendants (O’Mahony, 2009; O’Mahony et al., 2011).

Clearly, based on the array of attitudes exhibited by the majority of the sample of CJP, there is still a distinct level of dissatisfaction within The Justice System when supporting the needs of YPLDs. Furthermore, it is evident that current practices used to support YPLDs are still not at

a satisfactory standard and more work and research is required in order to ascertain how this client group could be better supported in the future. Of course, funding cuts will be a significant limiting factor in certain services, but it is important to consider carefully the importance of developing support mechanisms, which could potentially be provided, as the prevalence rates of YPLDs is significant within The Justice System (Loucks, 2007).

5.8 Theme 8: The Relationship between YPLDs and Society

Many of the participants recognised the reciprocal relationship between YPLDs and wider society. Of particular relevance, was the role played by schooling and the correlation that when a YPLD is fully engaged with his/her education, he/she was less likely to fall foul of the law (Harrington & Bailey, 2005). However, it was noted that some of the sample linked either poor schooling or lack of education as a precursor to involvement with The Justice System by YPLDs. This supports the findings of Harrington and Bailey (2005), who found that adolescents who encounter The Justice System tend to have low levels of attainment or have experienced school exclusion. In the present research, this particular risk factor was apparent in relation to offenders and it relates to the notion that learning support is likely to stop when an individual leaves education. Past research also demonstrated that amongst young male inmates in Young Offender Institutions, academic ability tended to be at a very low standard (at or below 'Level 1' in literacy and numeracy), suggesting academic under-achievement is prominent amongst this population (HM Inspectorate of Prisons, 2002). It is reasonable therefore to suggest that some of the difficulties experienced by YPLDs may form barriers to their learning, such as slow processing speed normally associated with dyslexia (Rack, 2005), which may potentially restrict academic achievement. Nevertheless, there are safeguards and support in place to help such individuals. The majority of individuals, who experience difficulties with learning at school, go on to live healthy and functional lives and manage to

avoid involvement with The Justice System. The over representation of academically low achievers who find themselves convicted of criminal acts is of note, however, the causes behind this extend beyond the remit of the present study. Noteworthy, however, is the awareness of the role of schooling in the conviction rates of YPLDs, which highlights a possible area for exploration by EPs in future research studies.

The second relationship found within this theme relates to the prejudice held by the wider society towards YPLDs, irrespective of their involvement with The Justice System. Five participants within the present study stated that they believe that societal prejudice towards learning difficulties is present and can often lead to stigmatisation. Most of the individuals who discussed this issue attributed the prejudice to a lack of knowledge and understanding of some of the challenges encountered by people with learning difficulties. This is supported by Kimhi et al. (1998) who found that a lack of understanding towards those with learning difficulties can lead to stereotyping and prejudice. Such prejudice within society could be detrimental to an individual's wellbeing and self-esteem in his/her day to day life, particularly, if he/she begins to question his/her own sense of worth as a product of societal stereotypes. Again, this topic goes beyond the focus of the current research project, but it demonstrates that CJP are aware of the role society plays in the lives of vulnerable individuals and of the prominence of outmoded stereotypes and prejudices that exist. For example: "My experience of people with significant learning difficulties are that they tend to experience abuse from members of the public and it's really sad" (participant 4, a Solicitor, Line 180-181). Although prejudice and stereotypical attitudes were not overtly expressed by any of the present sample (which is limited by the nature of the practical implications of the present study), CJP as a group are not separate entities from the general public and if prejudice does exist in the attitudes of certain individuals, it will to some degree impact upon the lives of those who live in such a society. For example, research by Hayes (2004) found that some police officers exhibit stigmatising

views towards those with learning difficulties. Therefore, it is likely that prejudice and stereotypical attitudes will not be eradicated entirely in any group, including the CJP, until negative attitudes, which continue to prevail in the minds of the general public, are addressed.

5.9 Limitations of the Current Research and Ideas for Future Studies

When evaluating the present study, it is possible to identify certain limitations, which may have impacted on the findings. Firstly, the practicalities of the interview procedure could be scrutinised, as all the interviews took place within the work environment of the professionals in question, for instance, the Barristers were interviewed at court. As previously mentioned within the methodology section, it is important to remember that the environment in which the interview takes place can have an impact on the progress of the interview and the quality of the information disclosed. For example, interviewing someone in his/her own workplace may encourage feelings of comfort and security as opposed to an interview that takes place in an unfamiliar clinical environment (Sin, 2003). In keeping with this view, the workplace of the interviewee was considered appropriate to facilitate feelings of comfort and familiarity for the interviewee. However, it is of note that, during the majority of the interviews that took place within court, the environment was extremely busy and noise levels were sometimes high. This was often problematic in terms of the interview, as in some cases interviews were interrupted. As such, it is plausible that disruption to an interview may have adversely impacted upon the concentration level of the participant and the natural flow of conversation.

Additionally, on more than one occasion, availability of interview rooms was limited resulting in some of the interviews taking place in spaces where there were interruptions. One might suggest that ideally, all of the interviews would have taken place in a quiet, distraction free environment, in order to maximise concentration levels on the topics discussed. However, the physical environment (i.e. space) limitations within the chosen interview locations deemed this

impracticable. The issue also arises that whilst comfortable in one's own workplace, it is also possible to be influenced by the workplace culture and thereby answer questions within a particular frame of reference that may be different from the actual individual's own perspective.

Additionally, whilst the majority of the interviews did take place within a court environment, the locations for interviewing were different for each of the participants. This discrepancy may have influenced the way participants responded to questioning due to different levels of noise, distractions and the level of comfort that prevailed. It could be argued that standardised clinical venues for all participants should have been sought in an attempt to maintain consistency and minimise the chance of bias between participants. However, the epistemological approach taken in this research meant that it was important for the participants to choose the interview venue in which they felt comfortable, which may, in turn, produce more subjective data.

When considering the progress and flow of the interviews, certain key points were of note. Interviewees frequently diverged from the topic at hand and the nature of these divergences tended to take two particular forms. Firstly, interviewees tended to stray from the discussion of learning difficulties to learning disabilities and in some cases, there was clear confusion regarding the overlap between these two concepts and the defining features of both. Secondly, the terminology favoured in this case by the researcher, namely 'young person' presented difficulties for the interviewee when trying to establish exactly what constitutes a 'young person'. For instance, for some this was believed to be a child and for others, 'young person' was believed to be a young adult. Every effort was made by the interviewer to clarify exactly what was meant by the term 'young person', however, this did not prevent some interviewees diverging from the definition and discussing issues pertaining to young adults (i.e. over the age of 18), which is not the target age group of this current project. Although the interviewer at times attempted to refocus the interview, complete focus on the topic was not always possible.

Therefore it is not possible to state exactly how the results would have been impacted upon, if the interviewees were more able to focus their concentration on ‘young people’ and ‘learning difficulties’. It is possible that different issues and themes may have emerged had the interviews been more focused. However, it is important to recognise that the majority of segments of interviews analysed within this research were of complete relevance to the current study.

Although it could be considered a limitation of the present study, the interviewee’s propensity to diverge from the set topic of the interview, namely YPLDs, was also of interest. What this tendency could imply is that for some of the participants this specific group may be subsumed within a wider group in an individual’s consciousness, thus creating circumstances in which certain aspects of need appertaining to YPLDs may be overlooked. In other words, the CJP used in this study demonstrated a propensity to discuss larger client groups, such as adults, or those with learning disabilities even when requested to discuss the topic in question, namely YPLDs. To some degree, this is in keeping with the striking findings of the literature review, namely that most of the work and research in this area focuses on the experiences of adults with learning disabilities. Such a stance lends itself to incorporating those who may not strictly fit the definition of having a learning disability, but may still encounter difficulties associated with limitations in learning and cognition.

Another possible limitation of the current study, could be the participants recruited. As mentioned earlier, the researcher was unable to recruit some of the desired participants, such as Probation Officers, due to issues surrounding confidentiality. This resulted in the researcher having to recruit some professionals, such as Family Law Solicitors, who do not work directly with the group of interest for this study, namely the YPLD. Recruiting such participants may have had an impact on the findings as they are not working as closely with YPLD and therefore, different themes could have emerged if different participants were recruited. Despite this, the participants recruited for the study were still useful in terms of exploring the research aims.

However, the recruitment process for this study demonstrates the difficulties that researchers are faced with whilst attempting to recruit such professional groups. It would be important for future research to consider recruiting different professionals who are part of the CJS in order to explore their opinions and experiences, which may differ from the participants involved in the current research.

The current study used quota sampling as a means of recruiting participants. Although quota/purposive sampling allows the researcher to choose participants, in a timely manner, who would seemingly be able to provide the most relevant information to explore the research aims (Thomas, Bloor, & Frankfield, 2007), it may result in selection biases whereby the sample is not representative of the population (Fife-Schaw, 2000). This means that whilst the sampling technique might be representative of the quota-defining characteristics, other important characteristics may be disproportionately represented in the final sample group.

Furthermore, most common statistical tests in psychology calculate standard errors, assuming the sample is a simple random one; however, they may not be appropriate for data derived from quota sampling (Fife-Schaw, 2000). To expand on this, as quota sampling is a non-random sampling method, it is impossible to find the sampling error (Sharma, 2017). This means that it is not possible to make inferences from the sample to the population, which can lead to problems with generalisability.

On the other hand, quota sampling can be an economic process, due to it saving time and money when compared against random sampling. At the same time, quota sampling provides the researcher with a high level of accuracy as it is scientific with a well-defined process. As with all sampling strategies, there are advantages and disadvantages of quota sampling and future research may wish to consider using a different sampling strategy in order to avoid some of the disadvantages discussed.

As previously mentioned in the methodology section, a qualitative approach was utilised, whereby the researcher was able to delve into the different perceptions and experiences of CJP toward YPLD in The Justice System. Qualitative methodology places an emphasis on delving into the meaning behind the views and beliefs of participants (Rolfe, 2006), which allowed the researcher to focus on the quality, rather than quantity, of the findings. When compared against quantitative methodology, a qualitative approach allows the researcher to gain rich data whilst the participant freely discusses their views on a particular subject whilst also allowing the researcher to evaluate the data collected in greater detail. Whilst a qualitative approach was useful in this instance for learning from the participants and understanding their perceptions of YPLD within The Justice System, there are limitations of using such an approach.

The quality of the data gathered using qualitative methodology can be highly subjective as each researcher may hold a different opinion on what is important for that particular study. This might mean that the researcher may have different views on what is important to another researcher who may conduct the same research. This means that another researcher may conduct the interviews differently, and therefore draw different conclusions from those drawn in this research. Furthermore, this could result in the data collected during qualitative research studies not being accepted by the scientific community, due to the subjective nature of the data that is collected through qualitative methodology.

Furthermore, the main limitation of qualitative research is that it is not statistically representative, as the responses given are not measured, meaning that their findings cannot be extended to the wider population with the same degree of certainty that quantitative data can. Comparisons can be made and this can lead toward the duplication which may be required, but for the most part, quantitative data is required for circumstances which need statistical representation. This is because the findings of the research are not tested to discover whether they are statistically significant or due to chance. Therefore, although the qualitative

methodology was suitable for this study, as it allowed the researcher to gain an understanding of CJP's perceptions toward YPLD, future research may wish to consider using a quantitative methodology in order to gain data that can be more easily generalisable.

The use of semi-structured interviews gave the researcher the opportunity to carry out face-to-face interviews in order to gain an understanding of the perceptions held by the CJP towards YPLD in The Justice System. Structured interviews would have yielded direct responses and would have been more appropriate if the researcher had used a deductive approach in the analysis. Semi-structured interviews appear to be the 'best of both' approach, as it adopts elements of both structured and open-ended questions. In the current study, semi-structured interviews gave the researcher the opportunity to find out 'why' participants expressed certain views (Fylan, 2005), as it was possible to ask open-ended questions which allow for each participant to express their thoughts and opinions. Furthermore, semi-structured interviews allow for opportunities for clarification so that relevant data is captured, whilst also allowing free interaction between the interviewer and interviewee. This was beneficial when exploring the perceptions of CJP toward YPLD within The Justice System, as it has helped to highlight the need for improvement within The Justice System.

However, there are also limitations to semi-structured interviews, such as they can be a very time-consuming process, as well as not being as reliable as other methods due to it being difficult to replicate. Furthermore, it is possible during the interview that the researcher may give out unconscious signals which can be difficult to control for. This means that the participants may give an answer they deem desirable to the researcher, meaning that the data gathered may not be wholly reflective of their true thoughts and opinions. Moreover, the researcher can have an effect on the data collected during the interview stage as they may hold prior beliefs or a biased point of view, which can then be included in the data collected and potentially influence the outcome. To try to minimise this, the researcher employed the use of

semi-structured interviews to give participants the opportunity to answer freely. However, if the participant were to go off topic, then the researcher was able to get them back on-task without influencing their responses.

Thematic analysis (TA) was used in order to analyse the data collected by identifying patterns within the data set to provide meaning and explain phenomena (Braun & Clarke, 2006). Unlike Interpretative Phenomenological Analysis (IPA) and Grounded Theory (GT), TA is not wedded to any pre-existing theoretical framework and can therefore be used within different theoretical frameworks. As discussed earlier, Inductive Thematic Analysis (ITA) was chosen after careful consideration, due to it being an approach that aims to find its own patterns and trends. ITA was deemed a suitable methodology for the current research because unlike other methods, it is used to identify themes across the whole data set, not only from the individual transcripts, in order to verify whether there were themes that were common to all, even though participants may have had contrasting experiences. This is how TA differs from IPA, as when using IPA interpretation of data is based on individual case studies and therefore is more suitable for small scale studies. Although the researcher was open to discussing important individual themes/sub-themes arising from individual participants (which TA also allows), the main concern was identifying themes across the whole data set which TA allows for.

Moreover, GT was carefully considered for analysing the data in the current study. However, the goal of GT is to seek a theory that is linked with the evidence, so that the resultant theory is likely to be consistent with empirical data. As there is little previous research into CJP's perceptions toward YPLD, the researcher felt that GT would be unsuitable for the current research as it was felt that an approach was needed which aims to find its own patterns and trends, rather than build on previous literature.

Although TA has its strengths, one of the issues encountered when using TA is the degree to which the questions being asked during the interview stage correlate to the themes that emerge. To expand on this, during the interviews, participants were asked questions specific to their training and experience. During analysis, the themes of training and experience also emerged. As participants were asked about these two topics, it is difficult to say whether these themes emerged directly from being asked about them and whether these themes would still have emerged if the questions were not asked in such an explicit way. However, when asking these questions, the researcher allowed each participant an opportunity to answer freely, meaning that they could have given any response to the question, as each participant had their own opinion on their training and experience. Moreover, the researcher was unaware of the extent of each participants training and experience, so it was a method of uncovering what it meant for each participant and building on it. This means that the analysis was very much led by the participants responses during the interviews. Moreover, these themes are strongly connected to the aims of the research, meaning that even if the questions were changed, they are still likely to have emerged. Overall, it would be reasonable to suggest that these two themes may have been constructed by the way in which the questions were asked during interview; however, the sub-themes to them were the exploration of the information provided from each participant.

Furthermore, one disadvantage of using TA is that it does not allow the researcher to make claims about language use, or other more specific aspects of speech. In this case, the data set revealed themes across the data which were interpreted by the researcher when focusing on content of the transcripts, rather than specific non-verbal aspects of language such as the tone and pitch of the participants speech. This means that whilst face-to-face interviews are good for using social cues to ask further questions and gain more information, it cannot be used during TA.

Based on the data gathered during this study, it may not be possible to define the causal nature as to why some of the sample expressed a preference to discuss the experiences of adults with learning disabilities and as such, this could pave the way for future research. One might also suggest that in order to reduce some of the confusion regarding the strict definitions of a 'young person' and 'learning difficulties', it would have been beneficial prior to the questioning, for the interviewer to describe in detail the terminology and prompt the interviewee to try to focus on the client group in question.

In light of the participants being aware of the research aim, it is possible that they may have given socially desirable answers, meaning that the information provided was not reflective of their true knowledge and attitudes towards YPLDs or what they felt, but instead was what they would like others to hear. Also, it has to be considered that some aspects of the topic area being researched were more politically sensitive, for example, responses with regards to management and equality for those with LDs, might be very difficult for the police to respond to in any other way other than to provide a politically correct answer, given their role and their public image. An attempt to minimise socially desirable answers was adopted when explaining the level of confidentiality employed in the study, however, in future, socially desirable answers could be controlled for further by (ethically) not informing the participants of the full research aims, until after the interview, or using different interviewers so that it eliminates the likely bias if there is any prior knowledge of the interviewer.

Due to the time constraints and practicality issues of the current study, it was only possible to gain a snapshot at one moment in time, based on one interview with each client. Future research in this area may be improved if it was to employ a longitudinal design, enabling researchers to measure changes in knowledge and attitudes over time and perhaps the influence of other variables, such as past engagement with learning difficulties awareness training. Such research

would allow the researchers to further enhance knowledge in this area and potentially develop strategies to improve the treatment and experience of YPLDs who engage The Justice System.

Similarly, future research could seek to interview a larger sample group, incorporating a more diverse selection of professionals working in The Justice System and to explore their attitudes towards YPLDs. For example, it may be informative to interview professionals from different areas of the country, to establish whether views towards YPLDs differ, depending on geographical location. However, due to time parameters this was not viable in this study.

Ideas for Future Studies

The present study has focused on the views and cognitions of CJP and has been able to provide a thoughtful and informative insight into the attitudes, knowledge and understanding prevalent amongst professionals towards YPLDs. Another possible focus for future research would be to explore in more depth how different professional groups could be supported to develop their practice further, e.g. police or social worker training. Moreover, to effect relevant change and further improve access to justice, it may be beneficial in the future to gain an impression from the recipient's perspective and to explore the attitudes and knowledge of the YPLDs themselves who encounter The Justice System. This would enable researchers and practitioners to gain further insights into the perspectives of victims, witnesses and perpetrators of crime, providing a more thorough and complete picture of the adequacies and inadequacies of The Justice System.

5.10 Young People with Learning Difficulties: A Novel Client Group?

Research in this area is extremely limited and this study sought to shed light on areas to facilitate bridging the gap in knowledge, as learning difficulties are becoming increasingly recognised within the population of young people, particularly amongst those individuals who

experience The Justice System. The relevance of the present study makes it possibly amongst the first of its kind that specifically explored attitudes towards two novel client groups, i.e. young people as opposed to adults and those with learning difficulties as opposed to any individual who encounters The Justice System. Historically, learning disabilities in addition to mental health problems have been the focus of much discussion within psychological research and as such have been the target of various criminal justice and legislative protocols and support strategies, such as the provision of appropriate adults and implementation of special measures. However, this is detrimental to those who may have more generalised difficulties with learning and do not fit the specified criteria for a diagnosis of a learning disability, within the ‘mild-moderate’ clarification.

This study has therefore emphasised that those with general or specific learning difficulties are equally in need of support within The Justice System, as their counterparts who may be classified as having a learning disability. Consequently, the nature of The Justice System currently and the processes involved as one progresses within it, is already complicated and one might argue that when combined with the presence of a learning difficulty, makes it extremely difficult for a client to comprehend, and thus barriers emerge.

5.11 Possible Implications for Educational Psychologists

EPs are applied psychologists who work systemically with young people between the ages of 0-25 years. An EP works collaboratively with other agencies to provide consultation, assessment, intervention and support for the individual, in-service training for professionals within organisations and developing provisions (BPS, 2017).

The array of skills that an EP possesses has allowed for their expertise to be applied across a diverse range of services. Although EP services have been successfully implemented in varied settings, it appears that there remain a number of groups of young people who do not benefit

from an EP service as they fall outside of the systems EPs engage with. It has been suggested that EP practices should be further widened beyond certain groups to promote positive wellbeing for all children (Cameron, 2006). A debate that has emerged is that EPs could prove beneficial in assessing young offenders involved with multi-agency teams as EPs have the knowledge and training to help identify and support those who experience a range of difficulties, such as those with SEN (Farrell et al., 2006).

Furthermore, it is suggested that psychologists generally, and EPs particularly, could be a profession well placed to address some of the needs and inadequacies within The Justice System. Although the majority of EP work is with schools, as previously mentioned, working with other agencies is not uncommon (Farrell et al., 2006). The role of the EP is ever expanding, and there are opportunities for EP services to occupy a position of central importance within society's affairs (Mackay, 1999). During the past ten years there has been increasing concern that a significant number of young people either in, or at risk of being involved with The Justice System have identified or unidentified SEN (Loucks, 2006; Jacobson & Talbot, 2009; Jacobson et al., 2010). In the past it could be considered that there was a lack of support available for these young people, however, with the expansion of EP services, it could be argued that EPs are not only equipped to identify and support young people with learning difficulties (Mackay, 1999), but the services that EPs provide for any group of young people are perhaps more relevant for young people who encounter The Justice System, as they may be at greater risk of being disengaged from mainstream services. EP services could have a significant role to play in The Justice System, using their expertise to offer support to young people that CJP may have concerns about.

The significance of the present study is that it could be seen to identify the possible role for EPs in The Justice System. The thematic analysis highlighted that the present training provision in relation to the recognition of learning difficulties by professionals who deal with YPLDs,

may be considered to be inadequate. It is likely that more in depth and specialised training is required in order to ensure that all YPLDs within The Justice System are recognised and identified at the earliest possible opportunity, to procure resources and ease progression for them in what might be thought of as a stressful process.

Furthermore, having an EP within The Justice System could ensure that any unidentified needs can be explored. This would highlight work with parents and the young person utilising a person-centred approach, which is in line with new SEND reforms and also an area in which the EP has specialist skills and experience (Ryrie, 2006). In stressing the importance of the EP's role within The Justice System, it also highlights the importance of the early identification of the needs of those who encounter The Justice System, as well as a commitment to developing the knowledge and understanding of CJP. There is therefore a potential role for EPs to support young people and those who work within The Justice System so that they can take account of and respond to the SEN of the young people for whom they are responsible.

Participants in the current research identified various indicators of a learning difficulty which ranged in terms of their accuracy and relevance. To accurately identify the presence of a learning difficulty a comprehensive assessment completed by a qualified professional is required. If these traits are only considered to be indicators, as opposed to firm evidence of the presence of a learning difficulty, then it may be useful if they prompt CJP to seek a more formal assessment. The primary role of EPs within this context may be considered to be to support provision to enable CJP to understand how best to identify and respond to additional needs. In fulfilling this role, EPs are fully conversant with diagnostic assessments and appropriate interventions. Such a role for EPs within The Justice System would be beneficial to YPLDs and would help to establish a consistent and considered response for individuals with learning difficulties, thus ensuring fairness and equality in a difficult and complex area of work.

It could be proposed that this is an area in which EPs might be able to provide a pathway to identification as they already fulfil this role within other sectors such as schools, Further Education and Early Years, where referral pathways have been introduced which ensure early identification and signposting to EP services or other professionals as appropriate.

Implementing EP services within these systems may benefit collaboration between services that provide support and promote wellbeing for young people with SEN and their families; a key aim of the SEND reforms (DfE, 2014). However, this legislation is for young people who have a recognised and identified SEN, whilst amidst the youth offending population there is still a concern with unidentified SEN. Therefore, the role of the EP could prove beneficial in identifying learning difficulties and providing support not only to young offenders, but to all young people who encounter The Justice System.

The role of the EP could also prove beneficial in terms of reducing the negative stereotypes discussed during both the current and previous research. It may be suggested that in order to reduce these negative stereotypes, EPs could provide training to enable professionals within The Justice System to increase their knowledge related to what constitutes a learning difficulty and the distinction between a learning difficulty and a mental disorder. This may help to reduce prejudice and stigmatisation and so the term ‘learning difficulty’ would not be considered detrimental towards a client’s wellbeing. Therefore, the argument maybe for EPs to be engaged in assessing and recommending support strategies for those YPLDs involved with The Justice System. Furthermore, this approach would support the role of the EP within The Justice System, as providing specificity around identifying what the needs of a young person mean in terms of appropriate provision, which is similar to an EP’s role of providing advice on SEN for Education, Health and Care Plans. As such, having the services of an EP within The Justice System would help to ensure that any unidentified needs could be explored so that appropriate provision could be provided. Subsequently, this process could highlight the need for work with

parents and the young person, using a person-centred approach and in line with new SEND reforms; an area in which the EP has specialist knowledge and experience.

The skills and knowledge embodied by an EP could help to support professionals who may have specific questions relating to how a client might best be supported within The Justice System. Whilst EPs are sometimes employed within The Justice System, as they are skilled in the completion of cognitive assessments in order to identify learning difficulties, their skills are not fully utilised in informing interventions. It might therefore be suggested that an EP could explore the avenue of effective interventions specifically tailored towards defendants with learning difficulties, particularly within YOTs and prisons. This is supported by Jones and Talbot (2010) who highlight a clear paucity of schemes within the secure estates tailored to the abilities of YPLDs. EPs employed within a consultancy role could assist in identifying whether an individual within The Justice System requires access to provisions such as an Appropriate Adult or other such special measures. HMI Probation et al. (2014) found that even when a learning disability had been identified in young people in police custody, only 63% were offered access to an Appropriate Adult. This suggests that certain sections of The Justice System do not have a great understanding of the vulnerability of individuals with a learning disability and the importance of having this type of support. However, an EP is more likely to recognise such vulnerabilities as it is within their area of expertise. Furthermore, whilst literature points to the large number of YPLDs who engage with The Justice System in some capacity (namely as offenders, victims or witnesses of crime), this client group does not differ to YPLDs within schools or colleges who EPs encounter and work to support on a daily basis.

Additionally, individuals who encounter The Justice System may be disengaged from their education and subsequently not in receipt of services and support provided within schools. Furthermore, due to their young age they are also unlikely to be supported through adult services. This presents a gap in provision, where it could be suggested that EPs' expertise may

be able to implement effective methods of support for YPLDs (Farrell et al., 2006) in order to assist their passage through The Justice System.

In addition to helping YPLDs, it could also be proposed that there is a clear need for EPs to provide specific training to police officers and other professionals in the area of learning disabilities. As reported by HMI Probation et al. (2014), whilst police officers receive vulnerability training, many have not received specific training on how to identify or accommodate the needs of young people with learning disabilities. It is noted that positive steps have been taken by one police force concerning vulnerability training, whereby medical staff were invited to deliver presentations on mental health and learning disabilities (HMI Probation et al., 2014), but such provision is still limited to one police force out of many across the country.

Furthermore, some participants in the current study believe their training to be unsatisfactory, particularly in relation to specifically dealing with YPLD. Aspects of theme one highlighted the need for a focus on individuality as most training appeared to consider the wider group of vulnerable clients rather than targeting specific areas of difficulty. It could be argued that EPs may be well positioned to deliver this type of training because of their expertise in a range of cognitive difficulties, such as learning difficulties/learning disabilities, as well as social, emotional and behavioural problems (Mackay, 1999) and can therefore apply psychological methods, concepts, models, theories and knowledge in such training to help identify and support those individuals experiencing a range of difficulties, such as those with SEN (Farrell et al., 2006).

However, whilst it could be suggested that an EP may prove effective in developing and delivering training to CJP regarding YPLDs, it is important that before EPs work within the criminal justice arena, they also receive adequate training on the workings of The Justice

System. This was found to be a concern in German et al.'s (2000) study, which highlighted that in order to achieve maximum effectiveness, EPs should be equipped with the correct training for this role; the reason being that The Justice System may present various challenging situations that are likely to differ from their typical work in settings such as schools or in the community. That being said, as a result of the new Children and Families Act (2014) and Special Educational Needs and Disability Code of Practice (Department for Education, 2014), EPs will now be working with individuals up to the age of 25 years and the confinement of an EP's practice to schools and educational institutions is also changing.

The findings of the present study add to those of Ryrie (2006), as it has not only explored the views of YOTs, but it has also illuminated key themes amongst CJP concerning their perceptions of their attitudes, knowledge and understanding towards YPLDs. In summary, the present research has identified that although EPs have already expanded their work role to the wider community and some criminal justice areas, such as child protection cases, it is suggested that the wider The Justice System may benefit from the input of EPs. An EP's role within The Justice System could promote greater awareness and understanding of human behaviour, emotions, social skills, cognitive and academic ability, provide training in relation to learning difficulties and provide recommendations for the treatment and provision of YPLDs within The Justice System. This could alleviate pressure on CJP, place more focus on YPLDs and thereby aim to ensure that YPLDs who encounter The Justice System are provided with equal and fair access to justice.

5.12 Summary and Concluding Remarks

This qualitative study could be considered to be successful in illuminating the potential role of EPs within The Justice System. Furthermore, it has examined the perceptions and understanding of CJP towards YPLDs. An ITA proved to be a valuable methodological approach to elicit a rich, in depth analysis of the thoughts, feelings and knowledge of the sample of twelve CJP. The resultant themes provided a useful insight into the experience of the high numbers of YPLDs, as opposed to adults with learning difficulties who encounter The Justice System as victims, witnesses or perpetrators of crime. It could be suggested that YPLDs are a particularly understudied client group, not only when considering the lack of research in the area of learning difficulties in young people who encounter The Justice System, but also based on the outcome, whereby participants demonstrated a lack of familiarity with the term ‘learning difficulty’.

This study has highlighted the need for improvement within The Justice System and presented avenues for continued psychological research, with the aim of promoting fair and equal access to justice for all YPLDs. YPLDs are a client base to which EPs regularly apply their skills to support them within educational settings. However, when this particular client base encounters The Justice System (due to a lack of recognition of their specific needs), they do not receive the same services and support as their counterparts within educational establishments. With this in mind, it could be argued that the skills of an EP would lend themselves perfectly to working within this domain, offering a range of services such as consultation, advice, training and assessment to CJP, thereby enabling them to recognise and facilitate the needs of this vulnerable group. EPs could prove to be an invaluable resource that would positively enhance the experience of YPLDs who encounter The Justice System.

To conclude, whilst this study has highlighted some of the issues surrounding vulnerable young people with learning difficulties within The Justice System, specifically from the perspective of CJP, there is arguably scope for further exploration. An EP could fulfil a role acting as a consultant within The Justice System, addressing the complex needs that young people with learning difficulties present; fulfilling such a role would in itself present a possible avenue for future research and exploration. It may also be beneficial for future studies to explore the knowledge, attitudes and experiences of YPLDs themselves, in an attempt to try and provide a more global perspective as to where the young person personally feels that the service he/she encounters within The Justice System could be improved upon.

5.13 Reflections

Whilst reflecting on the experience of completing a thesis, I have come to the realisation that I truly enjoyed this process. I am a person who loves to continuously learn and seek new opportunities to gain further knowledge in relation to educational psychology. I am especially passionate about exploring areas that will aid my career progression; something which has happened whilst completing this thesis. Although I had some knowledge on this topic area through my day to day work as an Educational and Forensic Psychologist, this process has considerably developed my knowledge of working with YPLD.

Reflecting on an individual level, my level of patience has increased through different aspects of completing this thesis. For example, I found that whilst typing up the interview transcripts I had to be very patient and ensure accuracy of the work, even though I wanted them to be completed as quickly as possible in order to move on to analysing them. Moreover, I also had to be patient whilst conducting the interviews as the environment of some of them was not wholly satisfactory, meaning that other people were interrupting and walking through whilst I was interviewing some of the participants. This was distracting and also interrupted the flow

of the interviews; however, on a professional level it was important to maintain the integrity of the interview process.

Continuing to reflect on an individual level, it was important for me to maintain concentration. Whilst completing the literature review, there was a lot of reading involved and I often found myself losing concentration and having to spend time re-reading the information a number of times to be able to fully understand it. In order to maintain high levels of concentration and motivation, it was important for me to complete more regular sessions that were smaller in terms of the number of hours spent reading and working on the literature review, so that my work was completed in an accurate and timely manner. I found that this helped me greatly as I was able to take in more of the information that I was reading, and therefore I feel I have developed a useful way of working for conducting future literature reviews.

Furthermore, as I was balancing completing this thesis with full-time work, it was important for me to manage my time effectively. This meant that I had to allocate my time to completing certain tasks, whilst also being disciplined to put dedicated time aside for completing the thesis. To do this successfully, I had to be more organised in my way of working, and also within my personal life.

On an academic level, completing this thesis increased my level of academic knowledge as well as helping to satisfy my thirst for knowledge. More specifically, it enabled me to learn more about YPLD who come into contact with The Justice System and how they encounter it. It also enabled me to think about the wider area, for example, the experience of different professionals and their perceptions of young people, and even though it could not be accommodated for in this thesis, the opportunity to explore further in terms of young people's perceptions of their experience of The Justice System. Furthermore, it enabled me to learn more about the different research epistemologies and methodologies that can be used and how to

carry out qualitative research. It also helped me to develop a more analytical and reflective approach to work, skills which are very useful for my day to day work as an Educational and Forensic Psychologist.

Thinking on a professional level, this thesis gave me the opportunity to engage in a meaningful and academic manner with fellow professionals to share my knowledge and interests with. It has also allowed me to be more critical in my professional work, particularly in terms of the information that I receive. In the past I often accepted information in reports on face value, for example, when I was given a report, I would read it and accept the information contained. However, now I am more inclined to question the source of that report, where the information that helped to produce that report came from originally and the quality of that information. Therefore, completing this thesis has helped me to review more critically information that I receive and use for my reports.

Moreover, on a professional level, using a qualitative methodology has helped me to further develop my interview and communication skills (both written and oral). This is apparent from the interviews that I conducted, whereby the process helped me to further develop my questioning techniques so as to encourage the flow and sharing of information by asking questions that opened up the conversation and being mindful not to shut down the conversation by allowing the interviewee to talk more whilst I listened more. My written communication skills have been developed through both writing the thesis, and also the written communication involved with the participants.

Overall, I feel as though the experience of completing this thesis has changed me as a person. I have had to become much more patient in order to ensure that accurate work was completed in a timely manner. I also feel that I have become much more organised than I perhaps was previously. I feel that these are all invaluable skills which have resulted from me conducting

the research project that I can take into my every day work as an Educational and Forensic Psychologist which will benefit me greatly in the future. I can now look back and realise how this experience has helped me both as a student and as a professional.

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APPENDIX 1:

Participant Information Sheet and Consent Form

Participant Information Sheet

- This research is conducted by Frank Furlong, a DEdPsy post-graduate student from the School of Psychology, Cardiff University. He is working under the supervision of Dr. Simon Griffey, Lecturer in Educational Psychology.
- You are invited to take part in a research study exploring the attitudes and knowledge of criminal justice personnel (CJP) in relation to their interactions with young people with learning difficulties (YPLDs). You have been approached due to your occupation within The Justice System. Before deciding whether you want to participate, please take time to read the following information carefully. Please ask if there is anything that is not clear and be sure to take time to decide whether or not you wish to take part.
- If you decide to participate, you will be asked to complete a semi-structured interview lasting approximately 25 minutes. If you do not wish to answer a particular question you can inform the interviewer during the process. There are minimal disadvantages to taking part in the study other than the time required to complete the interview. The benefits to your participation are that you will be contributing to the information base informing future training. Therefore, your contribution would possibly enhance the programme and training schemes available to the profession within which you work (The Justice System).
- The interview should take no longer than 25 minutes and questions asked in the interview will be related to attitudes, knowledge and personal experiences with YPLDs, as well as any training you have/have not received.
- Any information which you provide will be confidential and, one week following the interview, the data will be further anonymised in order to ensure no information can be traced back to you. Data will be stored securely within a password-protected computer and all hard copies will be kept in a locked filing cabinet and destroyed subsequent to June 2013. The information collected will be used for research purposes only. Your personal details will be kept separate from the transcript of the interview to maintain anonymity. This ensures confidentiality and complies with the Data Protection Act.
- Your participation in this research is completely voluntary. You may withdraw from the study prior to April 2012 without having to give a reason. If you decide to withdraw, your data will be destroyed. However, this decision must be made within one week following your interview as beyond a week, the data will be completely anonymous and therefore it won't be possible to trace your interview back to you. You can withdraw from the study simply by contacting Frank Furlong via email or through Cardiff University Psychology Department.

Consent Form

- Have you read and understood the participant information sheet? YES / NO
- Have you had the opportunity to ask questions and discuss the study? YES / NO
- Have all the questions been answered satisfactorily? YES / NO
- Have you received enough information about the study? YES / NO
- Do you understand that you are free to withdraw from the study
(by emailing Mr. F Furlong):
 - Up until the date stated: April 2012? YES / NO
 - Without having to give a reason? YES / NO
- Do you agree to take part in this study? YES / NO
- Do you give consent to being contacted for an interview? YES / NO

*“This study has been explained to my satisfaction and I agree to participate.
I understand that I am free to withdraw at any time”.*

Signature of the participant: Date: / /

Name (in block capitals):

“I have explained the study to the above participant and s/he has agreed to take part”.

Signature of the researcher: Date: / /

APPENDIX 2: Debrief Form

Debrief Sheet for Participants

Thank you for the time you have given to this research project.

This project is examining the attitudes, knowledge and experience of criminal justice personnel in relation to their interactions with young people who have learning difficulties. Thus, given your current occupation, you were asked if you consented to completing an interview regarding your previous training in this area, along with your knowledge, attitudes and experiences in relation to this specific group of people. All of the data collected from the study will be analysed and will hopefully yield useful information which will help inform future training needs.

Information obtained during the study will remain confidential at all times and will be used for research purposes only. Your personal details will not be available to anyone and all information will remain anonymous. The consent form will be kept separate from the transcript to maintain anonymity.

If you would like to withdraw your data within one week following your interview (beyond which your data won't be identifiable), please contact myself, Mr. Frank Furlong, or the Psychology Department at Cardiff University. You do not have to give a reason for removing your data.

If you would like to discuss anything further, please contact me at frankfurlong@blueyonder.co.uk. I welcome any feedback on your experience as a participant. If you are worried about any of the issues raised in this study or if the interview has made you feel anxious or uncomfortable, confidential free help is available from the following services:

MIND: 0845 7660613

Citizens Advice Bureau: 08444 77 1010 (Information Helpline)

Yours sincerely,

Researcher: Frank Furlong
Supervisor: Dr. Simon Griffey.

APPENDIX 3:

Socio-Demographic Data Sheet

Please fill in the following information:

Gender: (please tick) Male ☐ Female ☐

Age: _____(years)

Occupation: _____

Duration of employment in this role: _____(years)

How many years have you worked with young people with learning difficulties? _____(years)

Ethnicity: (please tick one box only)

White: British ☐ Irish ☐ Other White ☐

Mixed: White and Black Caribbean ☐ White and Black African ☐ White and Asian ☐ Other Mixed ☐

Asian or Asian British:
 Indian ☐ Pakistani ☐ Bangladeshi ☐ Other Asian ☐

Black or Black British:
 Caribbean ☐ African ☐ Other Black ☐

Chinese: ☐

Other Ethnic Group: ☐

Prefer not to say: ☐

APPENDIX 4:

Letter Requesting Permission to Recruit Participants

Dear Sir/Madam,

My name is Frank Furlong and I am a DEdPsy Educational Psychology Post-Graduate Student at Cardiff University. I am conducting research on the following topic:

Title: Understanding the attitudes and knowledge of criminal justice personnel in their interactions with children and young people with learning difficulties (YPLDs) at risk of involvement with The Justice System.

This study has the following aims - to investigate:

- Whether criminal justice personnel have received training in managing their interactions with YPLDs.
- How effective they feel their training has been in equipping them to deal with YPLDs.
- The attitudes of criminal justice personnel towards YPLDs.
- Whether knowledge of learning difficulties influences their attitudes towards YPLDs.
- Whether their experiences with YPLDs influence their attitudes towards, and beliefs about, YPLDs.
- Whether attitudes towards YPLDs change criminal justice personnel's receptiveness to further training.
- The need for future training.

To further explore this line of enquiry, various individuals working within The Justice System will be required to take part in a semi-structured interview. It is hoped that this will be possible with minimal inconvenience to staff. It would be much appreciated if staff could spare a few moments of their time to complete them.

Thank you for your time and support for this project. It is much appreciated.

Yours sincerely,

Frank Furlong
Researcher.

APPENDIX 5:

Original List of Questions Used for Pilot Interview

How do criminal justice personnel view young people with learning difficulties who encounter The Justice System?

Interview

Experience:

1. How often would you find yourself dealing with young people with learning difficulties both in and out of work?
 - How would you recognise someone with learning difficulties?
 - Prompt:** Behaviour, emotion, social skills, cognitive ability, academic ability*
 - Have you learnt anything from your past experiences?

Training:

2. How do you feel about the training you have received that is specifically related to young people with learning difficulties?
 - Prompt:** What did the training involve? Which aspects have been good/bad?*
 - How do you feel your training has equipped you to work with this client group?
 - Prompt:** What areas of your work would you like to improve upon with regards to this client group?*
 - How would you feel about having more training in this area?

Knowledge/skills:

3. How exactly would you adjust your communication and behaviour when working with a young person with learning difficulties who is involved in The Justice System?
 - Are there any considerations you need to make when planning a meeting with a young person with learning difficulties?
4. In what ways do you promote a supportive environment for young people with learning difficulties?
5. How do you feel that your knowledge of young people with learning difficulties has altered your attitude towards them?

Attitudes:

6. What are your thoughts on prejudice towards young people with learning difficulties?
 - Prompt:** Within society? Within The Justice System? Opportunities? Effects on YPLDs? Integration?*

Opportunities or self-control:

7. How do you feel about young people with learning difficulties being given opportunities to show that they can exercise personal control by making their own choices?
 - Prompt:** What level of support do you feel would be required? Are restrictions necessary? Would you feel comfortable/anxious?*

Labelling or singling out:

8. What are your thoughts on giving young people with learning difficulties the label of a learning difficulty?

Integration or equality:

9. What are your views on integration of young people with learning difficulties within The Justice System?

For example: if you think about an individual with learning difficulties in a Young Offenders Institute, what would you think about integrating that person with others who don't have learning difficulties?

Prompt: Potential outcome, pros and cons

10. There are findings that, in Britain, people with learning difficulties are over-represented in the initial stages of The Justice System. What are your thoughts on that?
11. What are your views on the suitability of The Justice System for young people with learning difficulties?

APPENDIX 6:

Final List of Questions Used During Interview

How do criminal justice personnel view young people with learning difficulties who encounter The Justice System?

Interview

Introduction: Some ideas for introducing the interview to put them at ease and build rapport.

This is going to be an interview about **experiences** you've had **through work** with young people who have learning difficulties. Hopefully, because we're interviewing people, we'll get some rich data about **specific areas that people feel confident about and areas that they might feel less confident about**. The good thing about this is that it will have **implications for future training programmes**. This is your opportunity to really **share your experiences** and the good thing about this is that it's all **confidential – you won't be named, or identifiable in any way**. We'll be interviewing other people as well (so you don't need to worry about it being **solely down to what you say**) we'll just be evaluating what **everyone has said** and establishing some **overall themes** from that about areas that could help with future training. **Are you still interested in taking part?**

Experience:

So to start with I just want to get some general information about the type of contact you have with this population.

1. How often would you find yourself dealing with young people with learning difficulties both in and out of work?
2. How would you recognise someone with learning difficulties?
Prompt: Behaviour, emotion, social skills, cognitive ability, academic ability
3. Can you tell me a bit about an experience you've had with a young person with learning difficulties who you've encountered at work?
Prompt: Behaviour, emotions, environment
4. How did you help him/her to have a better experience of The Justice System?
Prompt: Fulfilment of needs, respect/acceptance, opportunities for self-determination, positive reinforcement of attempts to exercise personal control, inclusion, role models, individualised support.
5. Have you learnt anything from your past experiences?

Training:

6. What do you think about the training you have received for your job?
7. How do you feel about the training you have received that is specifically related to young people with learning difficulties?
Prompt: What did the training involve? Which aspects have been good/bad?

8. How do you feel your training has equipped you to work with this client group?
***Prompt:** What areas of your work would you like to improve upon with regards to this client group?*
9. How would you feel about having more training in this area?

Knowledge/skills:

10. How exactly would you adjust your communication and behaviour when working with a young person with learning difficulties who is involved in The Justice System?
11. How might your opinions differ towards working with a young person with learning difficulties compared with a young person who doesn't have learning difficulties?
12. What would you say are the main considerations you need to make when planning a meeting with a young person with learning difficulties?
13. In what ways do you promote a supportive environment for young people with learning difficulties?
14. How do you feel that your knowledge of young people with learning difficulties has altered your attitude towards them?

Attitudes:

15. What are your thoughts on attitudes towards young people with learning difficulties?
***Prompt:** Within society? Within The Justice System? Opportunities? Effects on YPLDs? Integration?*

Opportunities or self-control:

16. How do you feel about young people with learning difficulties being given opportunities to show that they can exercise personal control by making their own choices?
***Prompt:** What level of support do you feel would be required? Are restrictions necessary? Would you feel comfortable/anxious?*

Labelling or singling out:

17. What are your thoughts on giving young people with learning difficulties the label of a learning difficulty?

Integration or equality:

18. What are your views on integration of young people with learning difficulties within The Justice System?
 For example: if you think about an individual with learning difficulties in a Young Offenders Institute, what would you think about integrating that person with others who don't have learning difficulties?
***Prompt:** Potential outcome, pros and cons*
19. How do you feel about differential treatment for young people with learning difficulties?
20. There are findings that, in Britain, people with learning difficulties are over-represented in the initial stages of The Justice System. What are your thoughts on that?
21. What are your views on the suitability of The Justice System for young people with learning difficulties?

APPENDIX 7:

Movement from Original Themes to Final Themes

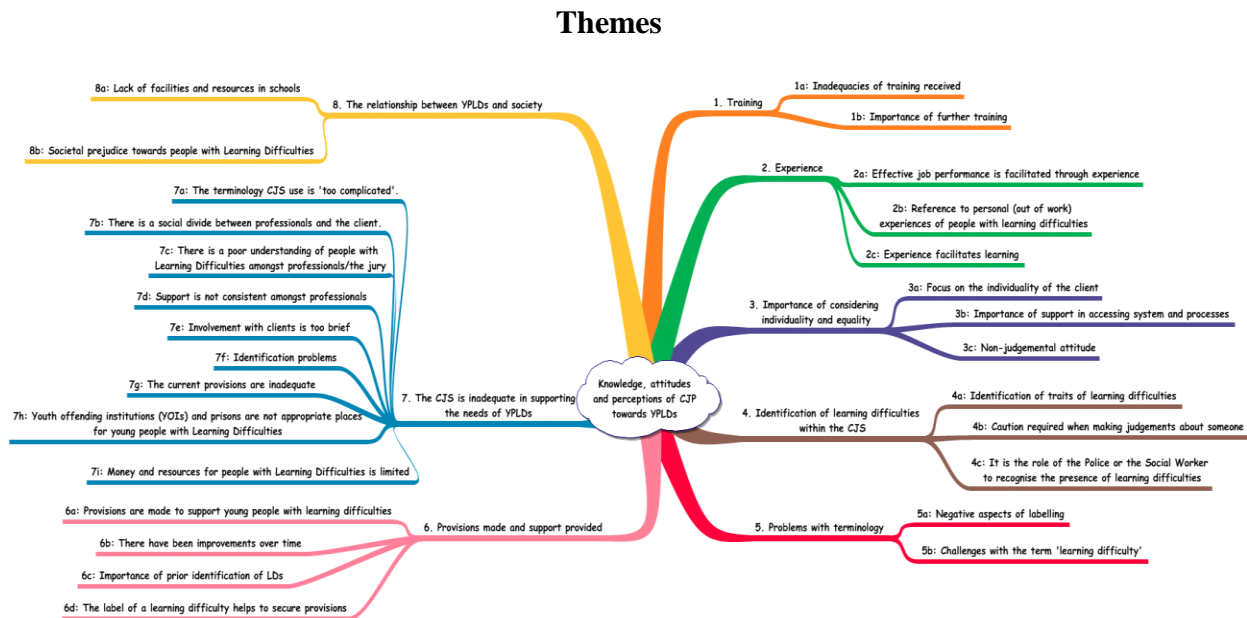
Explanation of the changes made in the movement from ‘candidate themes’ to the final themes:

- The first theme ‘experience’ is relatively unchanged, the only amendment is that I have omitted the fourth sub-theme (‘court relies on the experience of professional’) as it has only one code and one participant’s data extract to support it and therefore I didn’t feel it constituted a sub-theme.
- The second theme ‘individuality and equality’ I have adapted to include theme number 9 ‘approach adapted to client’. The reason behind this is because I felt both of the original themes (2 and 9) dealt with individuality, i.e. adapting your approach is due to the individuality of the client and their individual needs. Therefore, the new theme number 2 is ‘importance of considering individuality and equality’.
- I have removed theme 3 as I feel its title ‘LD helps to secure provisions’ is interlinked with the theme ‘The Justice System is appropriate to support people with LDs’ (theme number 11). I will discuss any additions to theme 11 later in this document but for now, the original theme 3 has been removed.
- Theme 4 ‘importance of professional awareness’ and theme 5 ‘training’ have been combined. I have removed theme 4 sub-theme ii ‘importance of professional awareness’ because it has too few codes to support it. The first sub-theme i ‘recognition of a need for more and the importance of training’ has been added as a sub-theme in the ‘training’ theme instead. Therefore the original theme 4 has been removed entirely.
- From the original ‘training’ theme (5), I have removed sub-themes i ‘presence of training specific to LDs’ and sub-theme iv ‘lack of desire for further training’ as neither had very much data to support them.
- Theme 6 ‘Label is not useful’ has been incorporated into the original theme 13 ‘terminology problems’ and I shall discuss the changes in this theme later.
- Theme 7 ‘recognition of the presence of LDs by professionals’ has remained relatively the same except for the removal of the miscellaneous category, as again it only had two codes so did not seem worthy of inclusion.
- Theme 8 ‘money and resource limitations’ has been added as a sub-category to the original theme 17 ‘The Justice System is inadequate at supporting people with LDs’ as I felt that lack of channelling of resources and funding effectively is in fact a limitation of The Justice System in the provisions it makes for people with LDs, thus not fully supporting people with LDs.

- As mentioned above, theme 9 has been included in the ‘individuality’ theme.
- Theme 10 ‘there is a high prevalence of people with LDs in The Justice System I have decided to remove. This is because it doesn’t really add any new knowledge and only really serves to support things which have already been found (see prevalence section of the literature review). However, this support is definitely worth noting and may be worth a mention in the discussion.
- Theme 11 ‘The Justice System supports people with LDs’ has been kept but with the addition of a new sub-theme, ‘the label of a learning difficulty helps to secure provisions’ (as mentioned above). Also, within this extra sub-theme I have added the codes found in the original theme number 12 ‘label is useful’ as this theme was not big enough to be a theme in itself and it fitted better into this sub-theme.
- The next original theme, number 13 ‘terminology of LD not favoured’ has been combined with the original sub-theme number 6 ‘label not useful’. The name of the new theme is ‘the concept of a learning difficulty is not favoured’. This theme looks at people who do not like the terminology of LD for varying reasons and people who find labelling someone with a LD as not useful.
- The next theme is number 14 ‘societal prejudice relates to lack of understanding’ and I have now linked this to original theme number 18 ‘cycle of offending’. I have grouped these to form a theme called ‘the relationship between young people with learning difficulties and society’; this forms two separate sub-themes: ‘the role of school’ and ‘societal prejudice towards people with LDs’ as both of these sub-themes relate to the role of society for people with LDs and vice versa.
- Both of the original theme numbers 15 ‘sensitivity required when discussing LD label’ and 16 ‘integration is dependent on the degree of LD’ I have removed from the final list as they have relatively few codes attached to them and therefore they do not really represent a theme.
- Finally, the original theme 17 ‘The Justice System is inadequate in catering for people with LDs’ has been left as it is with the addition of just one sub-theme: ‘money and resources are limited affecting provisions’.

This leaves 8 final themes and they are listed and described in detail in the ‘final theme descriptions’ document.

APPENDIX 8: Final Theme Descriptions



Theme 1: Training

Description: As was the nature of the questions asked, clients were encouraged to talk about their views on training. This involved training directly related to learning difficulties (or lack of) and their views on the training they had received generally. Therefore it seemed appropriate to create a ‘training’ category.

Sub-themes:

- a. Inadequacies of training received
This is quite a comprehensive sub-theme as it groups all the statements surrounding how training is inadequate, not appropriate or lacking completely.
- b. Importance of further training
Contrary to the above, some professionals acknowledged the importance on new learning and therefore expressed positive feelings towards further training.

Theme 2: Experience

Description: In some way shape or form each participant’s experience played a part in their answers to the questions put to them. Some refer to their experience when explaining how they would cater for someone for instance, and some directly stated that they consider their experiences with people with LDs important in their job.

Sub-themes:

- a. Effective job performance is facilitated through experience
The main points in this category come from the participants stating that their experiences facilitate their effective job performance more than training does.
- b. Reference to personal (out of work) experiences of people with LDs
Some of the participants stated that they had experience outside of work with people with LDs. The fact that they mentioned this implied that these experiences played a role in their attitudes and knowledge towards people with learning difficulties whom they encounter within The Justice System.
- c. Experience facilitates learning
Here, participants acknowledge the role that experience plays in their continual learning and knowledge acquisition. Additionally, within this sub-theme I have placed the 'reference to experience' category because I feel the frequency with which the participants referred to their own experience was interesting and clearly implies the importance of their own experiences in shaping the attitudes and knowledge regarding people with LDs at present.

Theme 3: Importance of considering individuality and equality

Description: Participants in some of their discussions mentioned various attitudes which related to considering people as individuals and how they would subsequently amend their approach accordingly and also the focus on fairness and equality. Therefore this theme seems appropriate and mainly revolves around the treatment of people as individuals.

Sub-themes:

- a. Focus on the individuality of the client
Some of the professionals expressed the importance of not looking at someone as a group of people with a LD, instead, focus should be placed on the individual. This sub-theme also looks at the occasions when the professionals emphasise the need to work to uncover what exactly is going on for the client and tailor their approach accordingly, thus ensuring their approach is flexible.
- b. Importance of support in accessing system and processes
The main points in this category come from a desire amongst the professionals to ensure that fairness is maintained for clients.
- c. Non-judgemental attitude
This sub-theme represents the importance of a non-critical and non-judgemental approach amongst professionals towards people with LDs.

Theme 4: Identification of learning difficulties within The Justice System

Description: Often, it is the responsibility of the criminal justice personnel to recognise that there are learning difficulties, or traits of learning difficulties present in someone. Therefore, it could be questioned whether this is appropriate considering they are untrained as mental health experts. However, it would seem when looking at these sub-themes, there are various indicators used by professionals cueing them to the presence of a LD.

Sub-themes:

a. Identification of traits of LDs

In these statements, the professionals indicated things which they would recognise that might indicate the presence of a LD. Also in this section, some people may indicate the circumstances which surround the uncovering of traits, for instance, through initial conversations.

b. Caution required when making judgements about someone

It is necessary to be cautious when making assumptions about the abilities of someone, whether or not they have a LD for instance, because as CJP are not trained professionals in LDs they are not qualified to make these judgements.

c. It is the role of the police or the social worker to recognise the presence of LDs

A few of the sample assigned the responsibility to the police or social workers (who are most likely to be the initial points of contact within The Justice System) to recognise that there may be a LD present.

Theme 5: Problems with terminology

Description: The CJP discussed the implications of labelling and how the label can affect how young people are treated who come in contact with The Justice System. A number of CJP expressed a negative view toward the use of the term 'learning difficulty' as a label, and questioned its effectiveness. Some of the CJP raised concerns over stigmatisation and the vagueness of labels.

Sub-themes:

a. Negative aspects of labelling

These statements revolve around the opinion that labelling someone simply with a LD is not useful. Therefore the concept of a learning difficulty is not useful.

b. Challenges with the term 'learning difficulty'

Some of the professionals interviewed expressed dissatisfaction with terminology of a 'learning difficulty' for various reasons, such as it being too broad.

Theme 6: Provisions made and support provided

Description: There are a large variety of positive attitudes towards the provisions made within The Justice System for people with LDs and this theme demonstrates different ways in which people perceive The Justice System to be an appropriate environment to support people with LDs.

Sub-themes:

a. Provisions are made to support YPLDs

This sub-theme contains all of the examples of where The Justice System makes allowances and provisions when dealing with people with LDs. It also contains examples of positive attitudes towards the provisions made.

b. There have been improvements over time

Provisions and support have improved over time and in the past support may not have been as effective. Thus, The Justice System is beginning to cater more effectively for people with LDs.

c. Importance of prior identification of LDs

This is considered to be a positive thing because identification of LDs is the first step in securing support. Therefore, if it is occurring early prior to the involvement it ensures that all professionals are aware of the difficulties experienced by the client.

d. The label of a learning difficulty helps to secure provisions

The Justice System has clearly made protocols which allow people who have been diagnosed as having a LD to have access to extra provisions and support, therefore suggesting provisions are made for people based on the successful diagnosis of having a LD.

Theme 7: The Justice System is inadequate in supporting the needs of YPLDs

Description: This is the largest theme and it covers the various ways in which people consider The Justice System to be inadequate in catering for people with LDs.

Sub-themes:

a. The terminology The Justice System use is too complicated

This is expressed both in terms of too complicated generally (for anyone to understand) and even more so for YPLDs who struggle to engage with what has happened due to the complex nature of The Justice System.

b. There is a social divide between professionals and the client

Often the professional is from a higher 'social class' to the client and this is recognised as being a barrier to efficient communication and support.

- c. There is a poor understanding of people with LDs amongst professionals/the jury
It is recognised that sometimes, professionals cannot fully associate with someone due to their poor knowledge and understanding of the experiences of those with LDs.
- d. Support is not consistent amongst professionals
Different professions or even different individuals within the same profession are not always consistent in their treatment of clients with LDs. This lack of consistency would make the progression of someone with LDs through The Justice System difficult.
- e. Involvement with clients is too brief
Most professionals see clients very briefly or very rarely. This does not allow effective support to be implemented.
- f. Identification problems
It is recognised that people with LDs are not always recognised and identified, therefore, without identification, support cannot be introduced.
- g. The current provisions are inadequate
This is an extensive sub-theme where professionals discuss the inadequacies within the provisions made, or indeed the lack of provisions made for people with LDs at all.
- h. Youth offending institutions (YOIs) and prisons are not appropriate places for YPLDs
Prisons and YOIs often breed bullying and victimisation. For a particularly vulnerable individual, this could be an unpleasant experience and those with LDs may be victims of bullying in these sorts of environments.
- i. Money and resources for people with LDs is limited
The effects of recent 'cut backs' were mentioned on a few occasions and it is suggested that resources are lacking due to insufficient amounts of funding for the support and provisions for people with LDs.

Theme 8: The relationship between YPLDs and society

Description: This theme is due to discussion on the wide role of YPLDs on society and the role of society on the young person.

Sub-themes:

- a. Lack of facilities and resources in schools
Some professionals mentioned school and education and the impact (or lack of) which it has on someone with LDs and their potential to become involved with The Justice System.

b. Societal prejudice towards people with LDs

Various professionals discussed the prevalence of prejudice amongst general society and the role this may play.

APPENDIX 9:
Table of Participants

Participant Number	Gender	Age (years)	Job Role	Years in Role	Experience of Working with YPLDs (number of years)
1	Female	47	Chairwoman (Child Protection Meetings)	15	25
2	Male	63	Volunteer Support Worker	4	20
3	Male	46	Barrister	20	20
4	Female	25	Family Law Solicitor	1.5	4
5	Male	37	Police Officer	4	4
6	Male	48	Barrister	20	20
7	Male	44	Barrister	20	10
8	Male	32	Case Managing Practitioner	6	6
9	Female	38	Youth Crime Officer	17	4.5
10	Female	33	Police Officer	11	11
11	Female	32	Family Law Solicitor	9	9
12	Male	46	Barrister	17	17

APPENDIX 10:

Example of Interview Transcript

01: Chairwoman for Child Protection Meetings

I = Interviewer

P = Participant

I: So we just want to get an idea of the type of experience you do have with people with learning difficulties and so first of all, how often would, do you think you find yourself dealing with, erm, young people with learning difficulties?

P: By young, do you mean, erm, teenagers or young adults?

I: Well, kind of teenagers, young adults; it's, it's you know that kind of range that we're looking at.

P: Ok. So young adults, young parents, er, two or three times a month possibly.

I: Yeah, yeah.

I: Ok. And so how would you recognise someone with learning difficulties do you think?

P: Mmm...

I: Because obviously your normal kind of dealings with them as they come in so what would be, what would you be picking up on that would prompt you that this person has some kind of difficulties?

P: Right, I suppose erm, in the people I'm dealing with, I mean this is within the Child Protection arena, so they've already had contact with their social worker and the social worker has done some sort of assessment. And, so maybe it's clear because they went to a special school or because whatever, or they'd had a stay-in or something and the social worker will have said errr, 'this person has a learning difficulty'. Or at the more extreme end, they will be receiving a service from adult services so that's fairly clear cut. Erm, people who have a mild learning difficulty and just find life difficult and understanding life difficult, er, are more of a challenge in many ways because the support structures aren't in place. So I suppose what I'd be looking for is erm, I'm, I'm, I'm picking up on presentation, on use of language, on ability to understand and feedback to me their understanding so if I'm checking about their understanding, er, their ability to erm, understand, analyse and tell me what it is that I think is important that they know; they understand. Erm, so those, those are the sorts of things really. It's quite difficult really because I hate to say it's a 'gut feeling' but when you work with a whole range of people all the time, many of them in leading absolutely chaotic lives, many of them misusing substances, er, you know, erm, many of them with mental health problems, you know, you just get a sense of them, er, what their level of functioning will be and try and adjust to that.

I: Right, obviously in terms of, er, because a lot of the people that you would be dealing with the parents then they would be going to the family support at some stage and obviously you're working with them up to that point as well, isn't it, in terms of social workers?

P: Right up to the point of Care Proceedings usually.

I: Right. And so, and even kind of the Care Proceedings and the Courts and stuff; what's your involvement in helping them have a better understanding of dealing with that side of things?

P: Right, ok. I need to be confident that they understand the process and I need to be confident that they understand the concerns that our professionals are expressing and that they are being given every opportunity to address those concerns and have proper support networks in place. So, er, you know, we quite commonly do Cognitive Functioning Assessments, for example. We look, we have an agency in Coventry that advocates for people with learning difficulties so I would expect that sort of help and support going in place. So my role is to make sure that they have every fair opportunity to make the changes that need to be changed, to meet the needs of their children; but at the same time I have a focus on the child and I have to be sure that can be done in the child's time scale and not necessarily the parents. Erm, but it, it is, it is being confident that everything has been done and erm, to give these parents, to give any parents, a fair opportunity really.

I: Ok.

I: Can you tell us about a specific experience you've had with a young person with learning difficulties?

P: Yeah, I was thinking of one recently because we've just ceased a Child Protection Plan, erm, on a baby. And this is a young woman who's got some level of learning disability but not enough for her to meet the, er, adult disability threshold; so she's not getting a service from the adult team. And her first child was removed because she was in an abusive relationship and the neglect within the household was extreme; I mean we're talking about excreta about the place and the child not fed properly. And, you know, on one occasion being blue with cold and not being stimulated, not being supervised properly. Erm, and this young woman simply could not, did not have an understanding of, couldn't develop an understanding of what her child's needs were and how to meet those needs so he was removed at, er, just under twelve months old and is about to be adopted; he's four now and about to be adopted. Erm, and all the, and I'm fairly confident looking at the records that all the right supports went in place, that every effort went into teach her the skills that she needed, erm, to look with her at the impact of her of this relationship, which was very abusive, on the emotional development of her child and on her ability to, er, meet the child's needs because we know don't we that women in abusive relationships can't focus on other aspects of their lives so it often goes hand in hand with neglect. So I was pretty confident everything that could be done was done. Anyway she came back a few months ago pregnant with another child so there had to be another Child Protection conference. She was in a new relationship, and again this lad has a degree of learning difficulties as well. Erm, and...very much in love, erm, and he comes from a, well she comes from an abusive background, he comes from a very different background, very caring background, erm, and he just wanted to be with his girlfriend and his baby. And the key difference here is that his mum was very actively involved, and his mum was just, you know, another ordinary working class mum who had done her best and done very well with her own kids, and she'd taken these two under her wing and she's with them most days. So we had some really protective factors there in that, she was in a new relationship with a man who also had a degree of learning difficulty but had a very different experience of parenting himself, er, very different expectations of what he wanted from life, and a mum who was keeping an eye on both of them. And actually they've done really well. Probably social care will remain involved for years to come, but they're no longer in the Child Protection arena and there was no question that this baby would be permanently removed as well. So I see that as a real success, and I also see it as you know, sort of, erm...agencies being able to be totally fair at every point in the way they worked with her; in that with the first child who was removed,

within the child's time scale there was no potential for her to change sufficiently, and she had Cognitive Functioning Assessments, Psychological reports and the whole caboodle, as you would expect for court proceedings. Erm, and, and yet even with that experience, when she presented in a very different, erm, set-up; with a supportive partner and a supportive mother-in-law (for want of a better term), then the agencies did another assessment, a very fair assessment, and felt that she -this could be different, and it has been different. I've had others where, you know, young women in particular say have gone from one relationship to another and have had a succession of children removed. I can think of another case where a woman has had six children removed in total but she goes from one exploitative and abusive relationship to another and that's part of her vulnerability. And there's been a lot of work done with her to try and develop her skills, to develop strategies to avoid abusive relationships but there are just too many men out there who target vulnerable women. And you know, if you saw her in a pub you would know she was a vulnerable woman.

I: I think we've covered number four.

I: Yeah. So, have you learnt anything from these past experiences with these individuals?

P: I suppose...erm...I, I, I think I, I have always believed that, that parents are always capable of redemption; that parents are capable of change. Erm, that's partly what motivates me to keep doing the job I'm doing, because if parents weren't capable of change then what would be the point of doing it?

I: Do you have a different view of the job now that you do compared to like, like say when you were in your second or third year of doing that kind of job - you know, very early on when you started doing that kind of work – and now? So when you look back would you, do you, would you say you view things a lot differently now?

P: That's hard to say isn't it?...Erm, because you know we all change as we get older and those changes are subtle and slow, so that's not necessarily something I've reflected on. Erm...I suppose I've always been interested in fairness; I've always felt that it's absolutely imperative that we put children first. I do believe that children are best placed with their families up to a point and I think one of the skills of working in this field is recognising that point or being willing to recognise the point at which you have to say 'enough, we cannot, this child cannot remain in this environment; it has to live elsewhere because the damage has been done'. I, I suppose I see in some younger, less experienced workers so, perhaps I don't know whether this answers your question or not, but it may have been what I was like when I was younger and less experienced, a lack of willingness to do that, a lack of willingness to 'pull the plug'. It almost becomes a badge of honour to be able to achieve, to be able to keep family and child together. Whereas I don't quite see it like that; I see the ultimate goal as making sure the child is safe and having all its needs met. Erm, I don't know whether I was ever quite that extreme but I could, I could certainly think of situations in my health visiting practice where I've found it very difficult to give up and say actually 'enough is enough, we can't do anymore in this situation'. I can remember working with a woman who was an alcoholic and eventually had to agree that the child had to be removed, you know that we couldn't, we could not do it. Erm, and that was very disappointing. I can think as a health visiting manager of a family where huge resources had gone in (again this was learning difficulties) huge resources had gone in to try and maintain these children within the family, five children and two parents with significant learning difficulties and professionals being in tears when the decision was being made that we couldn't continue. So I suppose maybe that's the change that I, I am much more confident now at recognising when we've got to stop.

I: Yeah, yeah, yeah and that knowledge comes from the experience that comes with the job doesn't it?

I: What do you feel about the training that you've received for your job, just the general training?

P: Well most of it has been on the hoof actually, if I'm honest! Erm...Er...Yeah, I, I did my basic nurse training you know, a bit of midwifery and that. I've worked on a children's ward for twelve months as a staff nurse and then I went into health visiting. So that was university level training. Er, I went on to be a, can't remember what they are called now, community practice teacher which meant my job was to have a health visitor in training placed with me matching theory to practice. Erm, and very quickly went into management, I was probably the youngest nursing officer at the time in the country at 29. And then did quite a lot of management training and then ultimately went into child protection and I've done huge amounts of training on all aspects of child protection I suppose. My skills in chairing conferences, I suppose, are largely honed through experience; talking to colleagues, you know observing colleagues,...attempting to be very reflective about my practice and if things have not gone well trying to look at how things could have been done differently. But also I'm an absolute advocate in looking at what works well and how we can develop that and build on that and learn from that too, and I'm trying to think what it's...I did a bit of work on erm, it'll come to me in a minute and then I'll tell you about it. Erm, picking up, on, on a method of supervision where you actually focus on things that workers feel that they've done particularly well to achieve change and how they can apply that to other situations to achieve change. So, er, I suppose, yes I have been very well trained in aspects of health and social care and specifically child protection. Chairing child protection conferences I've learnt on the hoof.

I: What about working with young people with learning difficulties specifically? Have you had any specific training?

P: No. Other than day courses, which are always a mixed bag aren't they? You get one or two really good speakers but the rest are rubbish on the whole.

I: So your knowledge in that area on the whole has just come from experience of dealing with them and presumably a certain amount of reading around that area?

P: Yeah, yeah. And, as I say, the occasional day course. But largely just working with people.

I: So do you feel you could possibly be more equipped to work with them? Or do you feel like the knowledge you learnt on the job is enough really?

P: I feel it's enough because I can draw on our specialist knowledge when I need it. So if, if I pick up in a meeting that this young person, this young woman, young man may have some sort of learning difficulty I have the power to say I would like a cognitive functioning assessment done. I want to make sure that we are working with this in the best possible way; we are imparting information in a way that can be understood, all that sort of stuff. So, you know I, I, I can ask for that work to be done and I think that's enough. I don't think I need to be able say this is how we need to be working with this man or woman.

I: And on the whole when you have those assessments done, erm, does like do you find that that benefits the parent in terms of it does help to inform how best to work with that person?

P: Oh absolutely! There's a great willingness to, to work in the style that's best matched to the parents.

I: So going back to that when they've had a Cognitive Functioning assessment done and they've been given the label almost, how do you feel about putting that label on people? Do you think it affects them in any way?

- P: Erm...well, yes. I mean a lot of people, a lot just do not like it. Erm, 'don't tell me I'm thick' is what I get quite often and you know, that would never be my aim so I try to make it clear that everyone has different learning styles and we want to be sure that we know what their learning style is and present the information in a proper way. I suppose if I'm honest too, in the back of my mind is, I know if the point comes that we're removing a child I've got to be able to, we as a team have got to be able to demonstrate to the court that we have done everything we can in order to work with this family. There is always a balance between evidence building and you know, actually doing the work that needs to be done with people. Some welcome it. Some welcome that and as they, er, begin to change and grasp concepts that have been difficult they can see the benefit of it. This young woman that I was talking about, erm, we would spend a long time before each meeting talking about again, again and again the reasons why her first child had been removed because she would always say 'they had no right to take him away from me because I had a learning disability', and I would have to say 'yes but all these things were going on in your life and that's why he was removed not because of your learning disability'. She, she, I don't think she will ever accept that.
- I: Just out of interest, in terms of, do you find that there's a big difference in terms of how you have to work with and also in responses that you get in an older adult parent as opposed to a young parent? Do you find that you have to deal with them differently? The reason that, like as you say some of them become very defensive if they think that you're calling them thick or do you think I'm stupid that kind of thing; are you more likely to get that kind of reaction from a younger parent or an older parent?**
- P: The younger ones bring all the teenage bolshiness with them, of course and all those sort of raging hormones, erm, yeah, and erm, you know. So yeah, it is on the whole much more difficult with young people because, er, you know they are not gonna be told anything by a middle aged woman like me.
- I: Yeah, yeah, yeah.**
- P: And sometimes and perhaps with young woman again there was a working difficulty because maturity brings changes in you. I mean she has matured in four years, erm, and it makes it easier to work with people when they're a bit more mature.
- I: Yeah, yeah. How far do you think we've got?**
- I: We've gone off a bit haven't we?**
- I: You've kind of covered, in terms of how you communicate with people and you know, you know, the adjustments that you have to make. So, we've kind of done number three.**
- P: Yeah, I mean the meeting would be slowed right down for a start. And we're much more sensitive about the language people use. Erm, everybody uses jargon but I pick up on that carefully and am much more aware of checking out and saying 'did you understand what the teacher was saying?'
- I: And, and presumably in terms of how you or the other social workers would work with these parents, would differ whether they had difficulties or not in terms of their learning. Because presumably to approach someone with a lower intellectual level, if you use that same approach with someone else, they would, do you know what I mean?**
- P: Absolutely. Absolutely. Yeah.

I: So those sorts of things you'd have to make judgements as you went along, kind of thing, you know?

P: One of the things, the thing I think myself and my colleague chairs, we're a small team of nine, I one thing we're very good at is, erm...reading the reports that we get and then forming our own view. So we use those as a basis. Er, but, and being able to make very quick judgements about how we're going to work with this person, and that's not necessarily what we're advised in the case; and that is why we are independent reviewing officers. We have to be able to step back from the information that we've been given and not necessarily be pre-judge things based on the information that we've been given.

I: And you've kind of covered, like the next one here says about planning things that you'd need to consider if you're having a meeting with someone with these kind of difficulties, and you've kind of covered that. Erm, promoting a supportive environment for young people with, and kind of a bit like you said, checking out their understanding. All that kind of feeds into that, yeah? I suppose this one here, in terms of erm, because like you said over years of experience, erm, you've become more knowledgeable about, you've come into contact with people who have difficulties, as in parents and stuff. Has...you mentioned earlier about younger social workers, you know earlier in their career, you said about the differences. Do you feel that with experience you acquire more knowledge of people, particularly of people with learning difficulties and the problems that they have? And does that alter your attitude as you become more aware and more knowledgeable, do you know what I mean, in dealing with them?

P: I certainly would like to think I have. I don't think necessarily everyone does; I'm not saying that this is what happens to all professionals working with people. Erm, but I would like to think I have. I would like to think that I see myself on a constant learning curve and if I became complacent about my, the extent of my knowledge or my abilities then erm, it's probably time to stop. Because then I would stop questioning constantly whether we were doing as much as we could in the best possible way. Does that make sense?

I: Yeah, yeah, no that does make sense. Like the other thing is, cause you would, I suppose to ask you; do you ever kind of come across people or other professionals that seem to have kind of a negative attitude when it comes to having dealing with people with, you know? Do you know what I mean? They have less patience and like...

P: Mmm, yeah, oh yeah. There will always be the professionals who feel that there is little point in investing all this time and effort, erm, because they're not going to be able to hack it.

I: Yeah, yeah. And like in terms of when you come across people like that who kind of express those kinds of attitudes and opinions, erm...like do you have any private thoughts of your own about them, or...?

P: Well, erm, up to a point I would challenge them quite openly actually, haha! Yes. I work with a wide range of professionals; the meetings are multi-agency so I'm work, in those meetings will be teachers, doctors, probation officers, social workers, health visitors, school nurses, police.

I: Does the school psychologist ever get involved in them?

P: Erm, they don't often come to the meetings. We might get a view from the Educational Psychologist, yeah, yeah. Particularly if it's emotional and behavioural difficulties we'd perhaps get a written view but they don't come to the meetings. So I work with, with a wide range of professionals and I like a lot of them and I don't like some of them and I'm indifferent to the rest.

- I:** And I think that's one of the things that seems to have changed, and you're in a better position to judge than me, but if I think of my own profession and Ed Psych, cause certainly when I trained Ed Psych's just worked on their own and...Whereas now they, cause I no longer work in the Local Authority, but it's all multi-agency and they're having to work with erm, other kind of professionals; health workers, social workers and various...And I get the impression that that's taken a bit of getting used to.
- P:** And it can be very difficult, you know, because they all come with their own cultural norms, erm, and their own views and preconceived ideas about other professionals. You know, nobody likes social workers, and that's fairly universal, and there are some professions that don't like teachers, there are some professions that don't like the police, and so on and so forth. So if you've got this group of people in a room and the ones that come regularly and know one another as individuals inevitably can get past that. But you know, it's not uncommon to have you know a hostile person in the room who just does not like these other professionals and thinks they are a waste of space and actually if you just let me get on with my job, I know what's best in this situation, if you just let me get on with my job I can sort it out. And that has to be managed. And managing the emotions of the parents can be quite difficult. Erm, I've been told to 'f'-off in as many languages as you can imagine. People storm out and they throw things across the room and they threaten and they swear and they don't behave in the way the professionals do in a formal meeting, and I can deal with all that. Professionals have a very different way of disrupting meetings and disrupting plans and it's much more subtle and it's much cleverer and much more difficult to deal with. But it had to be dealt with because you can't compromise a plan as, that is supposed to make a child safe simply because a professional thinks they know better.
- I:** Like, it'll be interesting this next question here because given the kind of the area that you work in cause this is about opportunities to, erm, allow the individual, the young person to exercise control and to have a certain amount of control over the situation in terms of the choices that they make. Because by virtue of them coming into contact with you suggests that they haven't always made the correct choices, so how far down the road do you allow them to, do you know what I mean? On the one hand you have to, to gain their co-operation and obviously to support them they have to be allowed the freedom to make a certain amount of choices but the other side of that coin is that they haven't always made the right choices and that's why they're kind of here.
- P:** There's a balance. We, in XXXX, we use a solution focus and signs of safety approach. Erm, so wherever possible we would be looking at the parents to say, you know, erm, 'what changes do you think you need to make in order to address? This is what we're concerned about, what are you going to do and how can we help you and support you to make those changes?' I suppose it comes to me when that has failed in large part, erm, and when parents have been advised and, let's use as an example domestic abuse, when a woman has been told actually this relationship is so damaging to your child that you have got to make some choices, erm, and you've got to start putting strategies in place to keep yourself safe. They come to me when that's failed at which point we do get fairly prescriptive. So the first time I meet with the parents it will be the recommendations will be a list of this is what you have to do to avoid having your child removed. As that process continues then it becomes much more collaborative but at the first meeting at the point it comes to me there isn't time to do that, you know it has already gotten so bad that we're having to be very clear about 'this far no further' and this is what you need to be doing to pull it back.
- I:** Yeah.
- P:** But I think you'd see much more of that collaborative work before it, it gets to my stage. And that works with many families and they never come into the Child Protection arena, and I don't see that, I don't see the ones that don't come into my world.

I: The success cases?

P: That's right, yeah.

I: I think we've kind of covered that one, the labels, so what about the next one?

I: So what are your views on integration of people with learning difficulties within the The Justice System, do you think? I mean it's difficult this one because obviously you're not fully integrated into the The Justice System.

P: No, no. Where I come across the The Justice System is, is where the police are taking action against a parent, whether it's neglect or physical injury or whatever.

I: Yeah, yeah. Because I suppose for those parents we touched on earlier that might be involved in criminal activity or drug related crime, do you know, drug related crime type of thing, that's obviously then they're presenting a clear risk in terms of the safety of their children.

P: In, in...in terms of. Do you mean young people who are on the receiving end of the criminal justice system or...?

I: Well, yeah. I, I suppose in terms of your involvement in that direction would be fairly limited but you would still be coming into contact with people who have a criminal background.

P: Yeah, I suppose the extremes are the ones who are very fearful of the police and authority in general, erm, and the ones who are, just stick two fingers up at it; the prolific offenders. And those are the two extremes really that you come across.

I: Cause when they're like that they're harder to engage aren't they?

P: Oh, absolutely. The prolific offenders are almost impossible because you know they don't respond to community orders, supervision orders or any of that stuff those are constantly being breached; they'll go in and out of prison with no effect. You know, how can we manage their behaviour in a Child Protection framework which until it actually gets into court with care proceedings has no statutory powers, not at all. Um, I would think fairly universally in my work there is, this will come as no surprise, resentment and hostility towards the police. We always have the police in the first meeting, they are always there, and these are specialist officers who are working within the vulnerable person's unit or whatever it is, domestic abuse, child abuse. Erm, and quite often when things kick off it'll be either between the parent and the social worker or the parent and the police and, and, and the hostility can almost be palpable at times. Difficult to know whether that's erm, because of personal experience or family experience, you know, you don't know what messages these youngsters have grown up with from their own families.

I: You've kind of already touched on this, because of, in terms of you recognise the importance of differential approaches to people, like young people with learning difficulties and how in order for them to succeed, erm, that the approach, you can't treat them all in the same way; you do have to look at their individual learning difficulties and adjust how you would interact and deal with them. Like...do you feel that that's something that either through knowledge or experience you've got better at over the years or do you feel that, erm, there's still scope for further knowledge and...I suppose what I'm getting at here is the need for further training and whether you feel that that is necessary or not?

- P: Well, there's always the potential to develop skills isn't there? Yeah, absolutely. I, I can see that. We all hone our skills over the years, we're different professionals to the ones we were when we qualified because we've learnt what works well and we've developed a personal style and doesn't alienate too many people too often. Erm, but there's always room for further growth. That's why we have a structure and we have to do so much training every year continually; continual professional updating.
- I: And that's been another change that's come about over the years because when I first started, probably like you as well, there wasn't the emphasis on CPD.**
- P: Oh absolutely, once you'd qualified and that was it you knew everything you needed to know.
- I: I'm looking at number twenty now, yeah?**
- I: Do you feel that people with learning difficulties are over-represented at all in your area of work?**
- P: Well, yeah, yeah.
- I: Erm, I guess down here it's being over-represented in the The Justice System, because they are, but I suspect, but they would also be over-represented in terms of Child Care Proceedings as well because of their lack of ability to adequately care for their children. Like, I suppose erm, the question is what are your thoughts on that? But it's fairly, I've just kind of given you the answer in terms of because of their, they need more support because they don't have the ability. I suppose the question to ask you would be do you always feel that they get the right support and do they get enough of it?**
- P: I'm becoming more confident about that. One of the, one of the, erm, the sort of culture of social care, if you like, has been to work with families for a period of time, make sure everything was ok then close the case, erm, and that's pressure of resources. Erm, and social care was never seen as, as you would know, an agency that would be involved throughout a child's life like the universal services are. That is changing and there is more of a willingness now to accept that for some families they will need a level of family support until the children are old enough to be independent. And I'm seeing that increasingly from senior managers now when we get to the point when we close down a Child Protection Plan saying this case isn't going away, it will remain open. Whereas previously, once we closed down a Child Protection Plan it had to remain open to social care for three months but then it would probably be closed but bounce back again. So you would get people, not just with learning difficulties but people who had lots of inadequacies, bouncing in and out of the system, erm, and, and that is not great for kids. So, you either have to accept that you can't make enough change and remove the kids or you accept that you're always going to put in a certain level of support.
- I: We're kind of onto the last one and we've kind of covered it because I think this about suitability of the The Justice System for young people with learning difficulties, but even in terms of the Care Proceedings and how they're supported the whole way through. So I imagine that you would say that you know, it's very well suited or not, what would you say?**
- P: Well they're all independent, they have independent legal advisors and erm, increasingly advocates from, I don't know...the agency we use in Coventry is Grapevine I don't know whether that's one that's wide across the West Midlands or whether it's specific to...but it offers advocates for adults with learning difficulties. Erm, there will be a CAFCAS worker who has to take an independent view on the needs of the child. Once it gets into the Care Proceedings stage though now, it means, it usually means we think we've failed; we feel there is nothing more that we can do and the only alternative is a placement elsewhere, whether that's with extended family or with foster care. I think in the past we, contrary to what the

press say, we went into court much more quickly. Now it is a last resort and getting to that point means we are saying to these parents 'actually you just can't do it. We cannot keep these children safe'. So maybe the point of, as long as they're supported through the process and, and, and can make their case properly that needs to be done. Erm, it's of limited value then I suppose having the supports in place to address the issues. That work has been done and failed.

I: Yeah, yeah. Erm...but on the whole up until that point there is a lot of support put in place and these parents are supported as much as is possible, isn't it? You know?

P: I would say so. You could always, there's always a need for further resources and I'm sure people, you know if you had a parent here whose child had been removed, she would tell you that people hadn't done anything and hadn't done enough. I guess the truth lies somewhere in the middle possibly, but, erm, we could help people more, erm....but, but that's not gonna happen in a world where resources are limited.

I: And I suppose that's what we're all kind of dealing with, within the existing resources. As you say, in an ideal world they'd all have their own kind of personal social worker, health visitor and everyone else around them.

P: Virtually living there, but that's not gonna happen.

I: Erm, like we've covered all the questions that we needed to. I know it was a bit tricky because on one hand we were dealing with the The Justice System which you're not directly dealing with on a day-to-day basis as, you know. But as, I, I still think that the information that you gave was, will help us in terms of trying to kind of...Because what we've got to do is interview a range of different criminal justice personnel from solicitors to police, you know, er, and then kind of do a thematic analysis and see what themes emerge and that kind of stuff you know.

APPENDIX 11: Thematic Map Indicating the Crossover of Themes

