

# Women With Learning Disabilities In Prison: What Else Needs To Be Done?

A review of how the Prison Service supports female prisoners with learning disabilities.

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**It is well understood that women in custody have a range of complex needs. Women in the justice system are a minority and both the Prisons Strategy White Paper and the Female Offender Strategy places a needed focus on gender specific interventions and research.<sup>1,2</sup> Women in prison are more likely to have a learning disability than men,<sup>3</sup> however, women with learning disabilities in prison have received very little attention and as a group are under researched.<sup>4</sup>**

This article outlines the findings from a consultative review undertaken by the author whilst working as a Band 3 prison officer at a women’s closed prison. The review sought to provide a multi-perspective analysis of the current support and gaps in provision for women prisoners with learning disabilities in England and Wales and in conclusion, makes recommendations intended to improve the support provided to this vulnerable and marginalised group.

## The Learning Disability Landscape

### Learning Disabilities within The Community

This article uses the terms both ‘learning disabilities’ and ‘learning difficulties’ interchangeably in

line with the scope of disability as set out within the Equality Act 2010 s6, to describe women in prison who have a learning disability or learning difficulty and who find activities that involve thinking and understanding difficult, and who need additional help and support in everyday living.<sup>5</sup>

Within the community around 1.2 million people in England have a learning disability, which is slightly more than 2 per cent of the general population (children and adults).<sup>6</sup> Since the creation of the Equality Act 2010, there has been a statutory legal duty on service providers and public authorities to consider the way services are provided and carried out and to consider whether people with disabilities may be at a disadvantage. Where it is a disadvantage, reasonable adjustment should be undertaken to remove it.

Within the community, children and young people up to the age of 25 with learning disabilities can apply for the instatement of an Education, Health and Care (EHC) Plan. The plan is a legal document which describes a child or young person’s special educational needs (SEN), the support they need, and the outcomes they would like to achieve.<sup>7,8</sup>

An EHC Plan is generally split into sections, with the following being the most important:

Table of contents	
Child/ young person’s Information	Section A
Needs of the child/young person in relation to: Communication Cognition and learning Sensory needs Social, emotional and mental health Life Skills	Section B
Provision required to meet needs outlined in section B	Section F

1. Ministry of Justice. (2021). *Prisons Strategy White Paper*. London: Ministry of Justice.
2. Ministry of Justice. (2018). *Female Offender Strategy*. London: Ministry of Justice.
3. Talbot, J. (2007). *No One Knows: Identifying and Supporting Prisoners with Learning Difficulties and Learning Disabilities: The Views of Prison Staff (England and Wales)*. London: Prison Reform Trust.
4. Hammond, T., Talbot, J., Earle, J., Murray, A. (2019) *Out of the Shadows. Women with Learning Disabilities in contact with or on the edges of the criminal justice system*. London: Prison Reform Trust.
5. Equality Act 2010. <http://www.legislation.gov.uk/ukpga/2010/15/contents>.
6. NHS England. (2016). *Strategic direction for health services in the justice system: 2016-2020*. Leeds: NHS England
7. Children and Families Act 2014. <https://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>
8. Cochrane, H., & Soni, A. (2020). Education, health and care plans: What do we know so far? *Support for Learning*, 35(3), 372-388.

EHC support plans are only available to children and young people in the community setting until the age of 25 years, after which time they are to be supported through the social care systems within their local authority.<sup>9</sup>

### Learning Disabilities in The Prison Setting

Data held on NOMIS (National Offender Management Information System) shows that 29 per cent of the offender population has a learning disability.<sup>10</sup> Unlike in the community, there are no legally binding support documents available to support people with learning disabilities in the adult prison estate. At present, the SEN Code of practice sets out the duties of an EHC plan must be maintained and reviewed whilst a child is in youth custody. However, these duties no longer apply once the young person is transferred to the adult secure estate.

### Why Focus on Women with Learning Disabilities?

The review of evidence 'Neurodiversity in the Criminal Justice System' carried out by the Criminal Justice Joint Inspection in 2021, outlines how the prison system can better support people with learning disabilities. However, contributors to the paper have criticised the report for a failure to consider female specific support in the recommendations.<sup>11</sup> Evidence shows that neurodivergent conditions present differently in women and thus they have different needs to men with neurodivergent conditions.<sup>12</sup>

The complexities of female needs were explored in a report by the Prison Reform Trust (2019) which demonstrates that a significant number of female offender's experience chaotic lifestyles with some of the main drivers behind women's offending being trauma, loss, poverty, mental health conditions, social exclusion and drug and alcohol misuse.<sup>13</sup> Approximately half of female prisoner's report having been victims of physical, sexual or domestic abuse and statistics show that

women in prison are more likely than men to have a traumatic brain injury.<sup>14</sup> All these factors contribute to a wide range of cognitive, communicative, behavioural and emotional difficulties that affect a woman's everyday engagement in prison, especially if they have a learning disability.<sup>15</sup>

The Female Offender Strategy 2018 and the Prison Policy White Paper 2021 outline commitment to the gender specific approach first described by Baroness Corston, stating that newly implemented provision would address vulnerability and the role of gender, acknowledging the need for a tailored, gender-specific approach to meeting the complex needs of women who offend through a multi-agency 'whole system approach'.<sup>16</sup> However, neither paper makes any specific recommendations for women with learning disabilities. Again, in the 2022 paper 'Improving Outcomes for Women in the Criminal Justice System', the Ministry recognises a need for a different approach to achieve better outcomes for women, noting that women offenders have specific vulnerabilities which often drive their offence.<sup>17</sup> However, there was no discussion of women with learning disabilities within the report.

At present, it appears that there is limited literature and policy support around the issues of learning disability support for women within custody. Little is known from the existing literature about what support is currently on offer.

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### Consultative Approach

To ensure that the review reflected the views of staff from different aspects of prison life, three key departments within the prison were consulted with:

- Education Department
- Offender Management Unit (OMU)
- Resettlement Department

In addition, to provide strategic consideration of the issues identified at prison level, consultation was

9. Children and Families Act 2014. <https://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>  
10. Criminal Justice Joint Inspection. (2021). *Neurodiversity in the Criminal Justice system: A review of Evidence*. London: Criminal Justice Joint Inspection  
11. See footnote 10  
12. See footnote 10  
13. Prison Reform Trust. (2019). *Why focus on reducing women's imprisonment?* London: Prison Reform Trust  
14. The Disabilities Trust. (2019). *Making the link: Female offending and brain injury*. London: The Disabilities Trust  
15. Lindsay, W., Smith, A., Quinn, K., Anderson, A., Smith, A., Allan, R. and Law, J. (2004). Women with intellectual disability who have offended: characteristics and outcome. *Journal of Intellectual Disability Research*, 48(6), pp.580–590.  
16. Ministry of Justice. (2018). *Female Offender Strategy*. London: Ministry of Justice; Ministry of Justice. (2021). *Prisons Strategy White Paper*. London: Ministry of Justice.  
17. Ministry of Justice. (2022). *Improving outcomes for women in the criminal justice system*. London. Ministry of Justice

also undertaken with the Ministry of Justice (MOJ) policy teams with responsibility for female offenders and neurodiversity.

All consultations were conducted solely by the lead researcher and took place between March and June 2022 and took the form of a discussion focusing on exploring the support received by females with learning disabilities in prison prior to release.

### Results And Findings

There were three main findings which were drawn out from the consultations:

1. The education provision in prison is not currently meeting the needs of women with learning disabilities.
2. Women with learning disabilities are not supported to develop crucial life skills in the prisons setting, which they often lack in the community. A lack of suitable provisions for female offenders with learning disabilities has meant they are often poorly prepared to live a law-abiding life on release.
3. Staff working in prison do not have sufficient training to support women with learning disabilities.

### Education And Curriculum

Education teaching staff identified that on entering the prison, every resident undertakes an initial screening in education. The testing will show tendencies towards dyslexia, autism, Asperger's and other conditions. On meeting and observing the resident, education staff will often pick up on any additional learning needs which might indicate they have a learning disability. Some women will self-disclose that they have a learning disability, whilst others are reluctant to share details about their disability diagnosis, for fear of being bullied or judged by other residents within the class.

Once teaching staff have identified a resident with learning disabilities, a basic learning disabilities plan will be written, which includes a 'contact statement', outlining a summary of the individuals main needs and a strategy regarding the best ways to support the individual with their learning whilst in the education facility.

Education staff reported that there was no specific provision or SEN programmes in place to support women with learning disabilities in education. A policy team within the Ministry of Justice also highlighted that whilst there are learning disability accredited programmes within prisons, these programmes are targeted at males with additional learning needs. Lack of research around female offenders with learning disabilities has meant that their educational needs have not been clearly identified and thus suitable provision has not been implemented into the educational curriculum.

The education staff highlighted that the curriculum within the prison was not learning disability friendly. In order to combat this barrier, the teaching staff often adapt the delivery of their mainstream classes where possible, to try to help women with learning disabilities to take part in the mainstream provision offer. These strategies are built up over time after getting to know each resident and their learning needs.

Outlined below are examples of the types of strategies which teaching staff may use to support women with learning disabilities in mainstream classes.

#### Environmental adjustments:

- Providing the learner with the same teaching staff every time they come to education.
- Consistency of the layout of the teaching room.

#### Communication adjustments:

- Explaining instructions slowly and using concrete language.
- Providing easy read versions of documents.
- Dyslexia-friendly materials or aids (different fonts, coloured paper and overlays).
- Magnifiers and reading rulers
- Offering verbal explanations as alternative to written text.

#### Sensory adjustments:

- Using quieter, less busy spaces for teaching where possible (Though there were not SEN specific teaching spaces).

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## Social, emotional and mental health adjustments:

- ❑ Fidget items
- ❑ Distraction packs

Standardised English and maths examinations are used as an assessment tool to measure academic progress within the prison setting. These results are used to mark the performance of the education department. However, teaching staff highlighted that many women with learning disabilities are unable to engage in courses such as Maths and English, which are courses tailored for the general mainstream population in prison. Those with learning disabilities who do undertake Maths and English courses, often receive poor results and consequently are statistically shown to make poor academic progress in prison. Consequently, it can be very difficult to measure the progress and development of women with learning disabilities.

### Life Skills

A significant area of concern highlighted by the Education Department, OMU and Resettlement Department, was that many female prisoners with learning disabilities lacked crucial life skills. Life skills may include:

- ❑ Ability to budget and balance finances
- ❑ Personal hygiene
- ❑ Social skills (communicating and holding eye contact)
- ❑ Cooking, cleaning and doing laundry
- ❑ Using public transport
- ❑ Managing own time
- ❑ Having and maintaining a job
- ❑ Building family and community links

Whilst there were education classes available in cookery, DIY and art therapy which could provide tools to improve some basic life skills, these courses tended to be short and did not go beyond level 1 qualifications.

OMU staff explained that prison regimes massively restrict the opportunity to practice day to day life skills. This is because many responsibilities such as washing clothes, cooking meals, travelling and independently managing time, are removed from women in the prison setting. As such, women with learning disabilities often regress in confidence and independence once they enter the prison system.

OMU staff also highlighted that many residents with learning disabilities display behavioural needs and thus are unlikely to become enhanced or be given

additional privileges within the prison. This means that women with learning disabilities are often unable to progress off the general population landings and are unable to apply to certain jobs which would help them develop more life skills, such as servery or laundry.

The resettlement team are involved in the progression of residents onto the open conditions unit. This unit is available to women who either meet the requirements for open conditions and are enhanced prisoners showing exemplary behaviour or are on closed conditions but have obtained their enhancement and are within two years of release. On the open conditions unit, residents have greater independence and are given the responsibility to manage their own time, cook their meals and most importantly are expected to leave the prison on release on temporary license (ROTL).

Often, women with learning disabilities will not meet the requirements to move to the open conditions unit or to undertake ROTLs and consequently, they are not given the opportunity to build any of these crucial life skills before release.

During discussions around life skills, education staff made parallels to the support provided to children and young people within the community using EHC Plans, which provides a specific section outlining life skill needs for the individual, their life skill

goals and the provision which has been put in place to help them to meet their goals. They stressed that they felt there needs to be an alternative curriculum for residents with learning disabilities, which focuses on key life skills, using a tailored goal setting plan for each individual, outlining the provision they require to meet the goals. This plan would closely mirror the format of the EHC Plans, which are a successful support mechanism in the community. The use of goal setting would provide a better way to measure both individual progress of a resident with learning disabilities but also the overall success of educational programmes for residents learning disabilities within the prison.

### Staff Knowledge And Understanding

Despite working with large populations of women with disabilities, there were currently no SEN trained individuals working within the prison. Education teaching staff reported that whilst they had received basic learning disability training during their initial

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teaching training, they had not attended any courses or obtained any specific SEN qualifications. Similarly, officers (Band 3 and above) received only a basic overview of learning disabilities at the initial Prison Officer Entry Level Training and there were no further accreditations or courses on offer. Officers working as key worker through OMIC scheme, for women with learning disabilities were also not given any further additional training. Consequently, staff in all positions generally felt under confident with how best to support their female residents with learning disabilities.

Education staff felt it would be invaluable to have a full-time qualified SEN teacher working within the education department to run specialist classes. Other practitioners such as speech and language therapists (SLTs) should be on hand to provide specific and tailored learning interventions. Additionally, education staff felt that further practitioner training should be made available to education staff around neurodivergent conditions such as autism.

The MOJ policy team focusing on neurodiversity acknowledged that staff currently lack the knowledge and understanding to support women with learning disabilities. They reported that there is currently a roll out of a new position within every prison across the male and female estate called the 'Neurodiversity Support Manager' (NSM). This role should be filled by a professional within the learning disabilities field, have a PGCE certification and have qualifications in supporting the learning of those with SEND.

The professional in the role of the NSM will raise awareness of neurodiversity within the prison setting and help strengthen approaches for identifying and supporting individuals with neurodivergent needs. It is hoped that the professional in this role will link up across departments to improve learning disability support across all areas of prison life, including life on the landing, offender management, resettlement and education provision. The government has also committed to applying good practice from prisons that have been awarded Autism Accreditation from the National Autistic Society to inform how the prison environment is adapted to better respond to the needs of people with autism. Staff in education, offender management, resettlement and prison officers should work closely with the neurodiversity lead in the prison.

Whilst consulting with a team the MOJ team focusing on female offending policy they explained that women centres in the community are currently being piloted, which will provide women-specific services from professionals who can support to vulnerable women with complex needs. The team felt that learning from the multi-agency support provision put into the women centres, may be invaluable to understanding what further training is required for staff working with women within the prison setting.

## Discussion And Recommendations

It is important to highlight that the prison environment is a difficult landscape for all women in custody, due to the range of complex needs many of these women have. These needs contribute to a wide range of cognitive, communicative, behavioural and emotional difficulties which affect a woman's everyday engagement in prison. However, having a learning disability adds a further barrier and level of disadvantage to an already vulnerable and marginalised group.

This author also notes that although this review found a lack of suitable support provision for women with learning disabilities, there were many brilliant examples of where staff had independently decided to adapt their approach when supporting residents with learning disabilities. This was seen especially in the education department, where staff had adapted their teaching approaches where possible to allow those with learning disabilities to access some of the mainstream provision. However, it is not sufficient to rely on staff working in the prison setting to adapt mainstream provision. Instead, the focus needs to be on creating learning disability specific support for women with learning disabilities.

Although there are clear commonalities of theme within the findings of this report, it must be recognised that the small number of consultations, primarily specific to women prisons do limit the generalisability of the findings. However, much of the findings are reinforced by the recommendations from the Female Offender Strategy and White Paper 2021, to create gender specific provision for vulnerable women. On this basis, the following key recommendations are made:

**Recommendation 1:** Learning disability training to be provided for staff working within female prisons.

The MOJ policy team focusing on Neurodiversity acknowledged that staff currently lack the knowledge and understanding to support women with learning disabilities.

All prison staff should undertake a specific training course on learning disabilities to learn how to better support women with learning disabilities in their care. Teaching staff working in the education department should receive a specific teacher training qualification in learning disability teaching support.

**Recommendation 2:** Creation of a learning and life skills support plan.

Following a similar format to an Education, Health and Care (EHC) Plan, a specific prison learning and life skills support plan should be created, to support women with learning disabilities to meet their needs in the areas of:

- Communication
- Cognition and learning
- Sensory needs
- Social, emotional and mental health
- Life Skills

Each intervention plan should be tailored specifically to the resident, outlining their needs, their personal development goals and the provision required to meet each goal. The use of goal setting will provide a benchmark for measuring individual learning progress. Plan content and goals should be reviewed tri-annually to ensure suitability. The implementation of the learning and life skills support plan for each resident should be written in conjunction with the neurodiversity lead in each female establishment.<sup>18</sup>

**Recommendation 3:** An alternative life skills curriculum course to be created for women with learning disabilities.

An alternative curriculum to be created for women with learning disabilities who cannot access the

mainstream provision offer. This curriculum should focus solely on life skills which women with learning disabilities in the prison system often lack, such as:

- Learning to budget and balance finances
- Personal hygiene
- Building social skills (communicating and holding eye contact)
- Cooking, cleaning and doing laundry
- Managing own time
- Having and maintaining a job
- Building family and community links

This course can be carried out by education teaching staff or by a qualified SEN teacher and will allow women with learning disabilities the chance to grow in confidence, independence and provide crucial skills they require once they go out into the community. The curriculum should be followed in conjunction with goals set out in each prisoners Learning and life skills support plan, as referred to in recommendation 2.

**Recommendation 4:** Further research to be conducted into the needs of women with learning disabilities in the prison setting.

As the landscape currently stands, there is limited research and understanding around the needs and disadvantages of women with learning disabilities within the prison estate. Recent policy recommendations outline commitment to a gendered approach to meet the complex needs of vulnerable women within the prison system. Consequently, it is essential that further research is conducted into the needs of women with learning disabilities.

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18. Please contact author to see a mock version of an example plan