

PRISON SERVICE JOURNAL

January 2016 No 223



Special Edition

**PRisoN: Unlocking prison
research**

Enhancing access to probation interventions

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Introduction

In 2012, Leeds Metropolitan University² formed a partnership with the West Yorkshire Probation Trust³ in Leeds, enabling final year speech and language therapy students to undertake placements within the Trust. The opportunity enabled pairs of students to explore the need for Speech and Language Therapy within the Probation Service, working with high levels of independence, as there were no Speech and Language Therapists employed by the Trust.⁴ This discussion will review evidence of the level and types of communication difficulties within the offender population, consider the impact of such difficulties, how issues have been addressed and reflect on our experiences as Speech and Language Therapists at Leeds Beckett University of working with the Probation Service in Leeds.

Courts can award intensive community orders as an alternative to prison sentences. As part of community sentencing, the Leeds Probation Service runs a series of programmes. Attendance at the groups is compulsory and non-attendance can result in offenders returning to court for breaching the requirements of their sentence. Students were placed in three different settings; the Thinking Skills Programme; the Integrated Domestic Abuse Programme⁵ and the Skills for Work team (not a compulsory intervention). The placement aims were to observe and assess the communication skills of the offenders attending the programmes; to observe and assess the communication style of the facilitators running the programmes and to review the resources used on the programmes.

Background

A body of literature has been growing, particularly during the last 20 years, which provides evidence of the significant number of individuals with communication impairments in the Criminal Justice System (CJS). Much of the evidence has been drawn from the Youth Justice population, as there has been a push to identify and provide support for this group. Three recent studies illustrate this well. Half of the young offenders in a secure college,⁶ aged 15-17 years were screened. The results showed 66-90 per cent had below average language skills (variation due to performance on specific subtests), with 46-67 per cent being classed as poor or very poor. A study of Service Users in the Bradford Youth Offending team,⁷ found 74 per cent with a communication disability and only one of these individuals had previously accessed Speech and Language Therapy. Sixty five per cent of the young offenders screened in a Youth Offender Institution,⁸ had language skills lower than the general population, with 20 per cent classed as 'severely delayed'. The range of difficulties encompassed listening and understanding, poor or limited vocabulary, struggling to explain things, poor interpersonal skills, poor eye contact, stammer and speech difficulties. The majority had difficulties in more than one area.

Literacy skills are developed on the basis of oral language ability, so it is unsurprising to also find poor literacy ability in the young offender population. In addition to their communication difficulties, 62 per cent of the young offender participants in a secure college⁹ had literacy levels below Level 1, which is described as a minimum level of literacy. Ninety per cent of the

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1. Thanks are given to all the students who undertook the Probation placements and to all the Probation staff who supported them.
 2. Now Leeds Beckett University.
 3. Service now split and delivered by the National Probation Service and West Yorkshire Community Rehabilitation Company (CIC).
 4. Students were mentored by Probation staff and supported from the university by a Speech and Language Therapist.
 5. No longer running in the same format.
 6. Bryan, K., Freer, J., & Furlong, C. (2007) Language and communication difficulties in juvenile offenders, *International Journal of Language and Communication Disorders* 42 (5), 1-16.
 7. Crew, M., & Ellis, N. (2008) *Speech and Language Therapy within Bradford Youth Offending Team*. Unpublished report: Bradford NHS & Bradford District Youth Offending Team.
 8. Gregory, J., & Bryan, K. (2011). Speech and language therapy intervention with a group of persistent and prolific young offenders in a non-custodial setting with previously undiagnosed speech, language and communication difficulties. *International Journal of Language and Communication Disorders* 46 (2): 202-15.
 9. Bryan, K., Freer, J., & Furlong, C. (2007) Language and communication difficulties in juvenile offenders, *International Journal of Language and Communication Disorders* 42 (5), 1-16.

sample had left education before the age of 16. In addition to communication impairments, service users may have other difficulties of a specific nature for example dyslexia, or more global learning disability¹⁰ with wider intellectual impairments, such as attention and memory difficulties.

An additional issue that needs consideration is that young offenders often have complex backgrounds of multiple disadvantages. The Prison Reform Trust provides a review¹¹ of the backgrounds of children attending 3 youth offending services. The profiles of 300 children (200 sentenced and 100 on remand) were obtained through interviews with staff and children. A picture of disadvantage is outlined that encompasses family, health, social and educational disadvantages. Of the sample, about 75 per cent had an absent father, 33 per cent an absent mother, 20 per cent were on the Child Protection register, or had experienced abuse or neglect. About 50 per cent were considered to live in a deprived household, or unsuitable accommodation and just under 50 per cent had run away, or absconded with 25 per cent having experienced the care system. Truancy, poor attendance or exclusions frequently disrupted education. There was frequently criminality or substance abuse in the extended family. The implication of this is that communication difficulties can be hidden amongst a range of other issues and, in addition, assessing the impact of interventions aimed at supporting communication is challenging, since many other issues affect outcomes such as reoffending.

Our experience is that the Probation population is very similar to that of the young offender population, which is to be expected, given the high levels of reoffending. The Speech and Language Therapy students found service users with a range of Speech, Language and Communication difficulties, often additional learning difficulties and health, social and family issues. Some service users had recognised Special Educational Needs, although many had never been

identified. A significant proportion of service users had mental health difficulties. A number had poor short-term memory and language processing for example delays in decoding information. Some of these difficulties are likely to be related to long-term alcohol or drug abuse. It is therefore evident that there are a number of barriers that may affect access to Probation interventions.

The impact of communication difficulties on access to interventions

Language used in the Criminal Justice System is inherently difficult. An exploratory study in South Wales,¹² looked at the presence and perceived impact of speech, language and communication needs (SLCN) among offenders completing community sentences. Ninety per cent of the small group of participants, aged between 21 and 49 years had some sort of SLCN. However, when asked to provide definitions for some specific terms associated with court or sentencing for example custodial, compensation, even those *without* identifiable SLCNs had difficulty understanding the vocabulary. When interviewed, some offenders reported that when going through the court process they had not understood the sentence they had been given, or some had pretended that they did.

In addition to the complexity of court language and sentencing language, difficulties have been identified in interventions designed to support and rehabilitate offenders. A review¹³ of the oral communication courses aiming to develop language and thinking skills in prisons, found some evidence that these contributed to a reduction in rates of reoffending. These programmes are acknowledged to be challenging for participants and will be even more so for those with SLCNs.

Group courses run by the Probation Service, such as Thinking Skills, Anger Management and Domestic Abuse Programmes are designed to reduce reoffending

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10. The World Health Organisation (WHO) defines learning disability as 'a reduced level of intellectual functioning resulting in diminished ability to adapt to the daily demands of the normal social environment.'

11. Jacobson, J., Bhardwa, B., Gyateng, T., Hunter, G. & Hough, M (2010) *Punishing disadvantage a profile of children in custody*. London: Prison Reform Trust. Available to download from <http://www.prisonreformtrust.org.uk>

12. Iredale, R., Parow, B., & Pierpoint, H. (2011) Communication on probation. *Speech & Language Therapy in Practice*, Summer: 14-16.

13. Moseley, D., Clark, J., Baumfield, V., Hall, E., Hall, I., Miller, J., Blench, G., Gregson, M., Spedding, T., Soden, R. & Livingston, K. (2006) *Developing oral communication and productive thinking skills in HM prisons*. London: Learning and Skills Research Centre.

by tackling the root causes of offending and they frequently form part of an Activity Requirement agreed in a Community Sentence. The exact components of the Activity Requirement are determined after a post-sentence assessment by the Probation Officer in collaboration with the offender. A key concern is that the effectiveness of the programmes may be significantly compromised because of a mismatch between the potentially sophisticated spoken and written language required to understand and progress through them and the speech, language and communication profiles of those accessing the programmes.

Although the group interventions the Speech and Language Therapy students observed were well designed to prompt offenders to address their decision-making and change behaviour, some of the language was difficult for service users. Some important but complex vocabulary used in the Thinking Skills Programme was unknown to some service users for example 'vulnerable' and 'ambition'. Some of the techniques used required language levels and thinking skills that were challenging for service users. For example the symbol of a 'red flag' was used, to support group members to identify factors that might precipitate their offending for example drinking with mates might be identified as a 'red flag' that would lead to an episode of car stealing and joy riding. However, when one of the service users was asked, 'What is a red flag for you?' he answered, 'Flames', demonstrating that he had not understood the task, as the response was completely unrelated to his offence. Complex vocabulary used by tutors included, 'scrutinised' 'regrettable decisions', 'activating event' and their meanings were not always fully explained for the group members.

Comprehension difficulties were highlighted. For example, one service user did not appear to follow the tasks set and did not answer direct questions. He tended to let others speak for him. In contrast, another group member would volunteer answers, despite misinterpreting the question or conversation. Some confusion and frustration resulted. Difficulties of comprehension were evident, sometimes even after repetition, prompting and support were given. Service

users were more successful with shorter questions that required little interpretation.

Links have been made between communication difficulties and behaviour in young people for example at a special school for children with Social, Emotional and Behavioural Difficulties (SEBD),¹⁴ 74 per cent of the children had behavioural difficulties. These behavioural difficulties may mask communication difficulties that may be overlooked by staff working with the children. Individuals with poor communication frequently also have poor social interaction skills for example avoidance of eye contact, which may suggest a lack of interest, boredom or rudeness, where this is not intentional. As Snow and Powell state, 'Unfortunately, such behaviours are easily misinterpreted as reflecting a lack of cooperation, rather than a lack of communication ability, and can thus incur a significant social penalty.'¹⁵

Students observed an interesting parallel in the Probation groups. Probation officers are skilled in delivering the programmes and in managing the challenging behaviours that service users demonstrate. However, students noted that frequently probation officers focused on disruptive behaviour and overt communicative behaviours, such as swearing. They were less likely to notice word finding difficulties or problems of sequencing in narratives, which may indicate

more significant language needs that require additional support. Staff may not recognise that individuals who are quiet and passive may also have communication difficulties and need encouragement, to explore issues pertinent to them, through appropriate attention and support.

One pair of students was placed in a Domestic Abuse Programme, targeting adult male domestic violence offenders. Group members were required to reflect on their own behaviour and complete a 'control log'. The men have to describe a situation where they have used an abusive behaviour, analyse their feelings, beliefs, intents and the effect it had on themselves, their partner and others. Students evaluated the control log for the accessibility of the language and organisation. They found it contained abstract concepts, for example 'minimisation', 'denial' or 'blame' and the questions were asked in a complex way

Some important but complex vocabulary used in the Thinking Skills Programme was unknown to some service users for example 'vulnerable' and 'ambition'.

14. Stringer, H & Lozano, S (2007) Underidentification of speech and language impairment in children attending a special school for children with emotional and behavioural disorders. *Educational & Child Psychology* 24: 9-19.

15. Snow, P C & Powell MB (2008) Oral language competence, social skills and high risk boys: What are juvenile offenders trying to tell us? *Children and society*, 22 16-28. (page 24).

for example 'What beliefs do you have that support your actions or intentions?'

The probation staff and the SLT students interpreted discussion of Service User behaviour differently. This was particularly evident in relation to one of the group members, when asked to think about effects of his offence on himself and his ex-partner and discuss feelings and emotions. Students noted that he became quite agitated and anxious and showed physical signs of this, such as sweating heavily and holding his head in his hands, saying he did not understand what they were asking him. When asked 'How do you think your partner *felt* when you hit her and knocked her tooth out?' he struggled to respond, eventually saying 'She might not be ok about going back to the bingo hall' (where the offence took place). He did not suggest some obvious effects such as fear or hurt. When asked to participate in a group activity naming emotions connected to the word 'anger', he found this very difficult and needed a lot of cues to come up with suggestions, using words that were not emotions, such as 'physical violence'.

In debriefing, the probation staff felt the man's actions could be intentionally obstructive or rude, whereas the students felt he did not understand common emotions, such as anger and fear and was showing genuine frustration. Of interest is that this service user had been suspended from the programme on a number of occasions, due to inappropriate behaviour. We have to question whether the intervention in this format was suitable for this service user and suggest that further specific assessment of his communication and social skills would have been helpful.

In order to understand the impact of their behaviours on others, the offenders needed to possess Theory of Mind. Theory of Mind refers to the ability 'to know and understand that other people have their own thoughts, feelings, and desires that are different from their own'.¹⁶ It is the capacity an individual has to understand the mental states of others, such as beliefs, feelings, emotions, desires, hopes and intentions. Lacking Theory of Mind is thought to be one of the core characteristics of High Functioning Autism. It is possible that the service user described above may have the characteristics of this type of social impairment.

However, he had been in and out of foster homes as a child, had a rough childhood and a history of drug and alcohol abuse. All of these factors could have influenced his social skills and his psychological state. Even though a diagnosis may not be possible, or desirable, the Speech and Language Therapy students were able to recognise these crucial behaviours and raise awareness of the difficulties and potential strategies that could help. A helpful guide to Autism for CJS professionals¹⁷ is available, which includes detailed information to assist in identification and support for individuals on the Autism spectrum.

Addressing the issues

Evidence from both the literature and Speech and Language Therapy student placements suggests that many service users do have communication difficulties that can be a barrier to accessing programmes designed to support them. This raises the question of how these issues can be addressed and is discussed below, with particular reference to 3 aspects: screening and assessment, raising awareness through staff training and revision of support materials.

The role of the Probation Trusts in providing pre-sentence reports was included as part of the 2014 joint inspection of the

treatment of offenders with learning disabilities within the CJS.¹⁸ Pre-sentence reports may be prepared on the day of the court appearance but Probation Officers can ask for an adjournment period, to allow for more in depth assessment. The inspection noted that some reports had been completed too rapidly, without an adjournment period and did not contain sufficient information to enable appropriate sentencing. The consequence is that the needs of offenders are not fully outlined, therefore the most relevant interventions may not be selected, nor the risk of harm to others fully evaluated.

The Offender Analysis System (OASys) is used in Leeds, to assess how likely the service user is to re-offend, to assist with management of risk of harm, and to measure changes the service user makes during their community sentence. However, at the time of the placements, the OASys lacked sufficient means of identifying any speech, language and communication

In order to understand the impact of their behaviours on others, the offenders needed to possess Theory of Mind.

16. Burden, L. & Dickens, G. (2009) Asperger's syndrome and offending behaviour. *Learning Disability Practice*. 12 (9), 14-21.

17. National Autistic Society (2011) *Autism: a guide for criminal justice professionals*. London: National Autistic Society.

18. HMI Probation (2014) *Joint inspection of the treatment of offenders with learning disabilities within the criminal justice system – phase 1 from arrest to sentence*. Available from: <http://www.pwd.org.au/documents/pubs/adjc/2014-Jan-LearningDisabilities.pdf>

needs of service users. All the students who observed Probation interventions were aware that there had been no attempt to assess communication and only a brief exploration of literacy issues at the pre-programme assessments.

To address this gap, the students devised self-report questionnaires, which they trialled to gain service users' perceptions of their own communication. The results of the questionnaires were interesting. Some of the men seemed to be answering very honestly, whereas others rated themselves highly for example not indicating that their speech was clear, when observation suggested differently. There could be a number of reasons for these inconsistencies for example lack of awareness of their own communication, causing over or under estimation of ability, or possibly a useful strategy to cover up difficulties and perhaps avoid embarrassment. A couple of the service users stated that they did not like asking questions because they felt stupid, which has implications for understanding. One person said that he can be slow at thinking about what people say, but he 'gets it' later. This information had been hidden from the facilitators prior to the student questionnaire and could mean they have an inaccurate picture of service users' abilities and potential to access the programme content. The students therefore concluded that the self-report is useful as a technique to discover more about the individual's insight into their difficulties.

Access to Speech and Language Therapy in the field of offending is patchy across the UK and has been focused mostly on young offenders but there is evidence of the potential benefit. Where Speech and Language Therapy intervention is available, for example in Leeds Youth Offending service, young people can make changes to their communication and behaviour

and trained staff can have a big impact. Intervention was integrated into the Intensive Supervision and Surveillance Programme (ISSP),¹⁹ with individual communication plans being put in place. Over 75 per cent of the cohort showed improvements in their language and communication skills when reassessed prior to leaving the ISSP, as evidenced by standardised assessment and staff observation.

The views of the staff in regard to this new initiative were sought.²⁰ They recognised the value of Speech and Language Therapy and their response to working with Speech and Language Therapists was positive. They were able to make changes to their style of interaction in a short period of time. However, it was noted that some staff had been initially resistant and not fully committed to the process of change.

A number of resources have been designed to support staff working in the CJS. The Department of Health produced a handbook²¹ for professionals working with offenders with learning disability, which provides useful definitions and guidance, plus communication strategies and further references for resources. Crossing the Communication Divide²² is for all staff working with offenders and provides guidance on different types of communication difficulty, plus 'Top Tips and principles to guide good practice in working with people with communication difficulties'. Sentence Trouble²³ provides information and resources to help support young offenders with their communication difficulties. It can be adapted for use with adults. A more formal approach has been taken by the Royal College of Speech and Language Therapists (RCSLT) with the development of a three-part training package; The Box combines an e-learning tool, a 2-day face-to-face course and a screening tool, provided once the training is complete. A pilot study and evaluation²⁴ of The Box,

A couple of the service users stated that they did not like asking questions because they felt stupid, which has implications for understanding.

19. Gregory, J., & Bryan, K. (2011). Speech and language therapy intervention with a group of persistent and prolific young offenders in a non-custodial setting with previously undiagnosed speech, language and communication difficulties. *International Journal of Language and Communication Disorders* 46 (2): 202-15.
20. Bryan, K & Gregory, J (2013) Perceptions of staff on embedding speech and language therapy within a youth offending team. *Child Language Teaching and Therapy* 29 (3) 359-371.
21. DH (2011 edition) Positive practice Positive outcomes A handbook for professionals in the Criminal Justice System working with Offenders with Learning Disabilities. Available from: <http://www.justice.gov.uk/downloads/youth-justice/effective-practice-library/positive-practice-positive-outcomes.pdf>
22. National Offender Management Service (2009) Crossing the Communication Divide: A toolkit for prison and probation staff working with offenders who experience communication difficulties. Available from: http://www.rcslt.org/about/docs/crossing_the_communication_divide
23. Communication Trust (2009) Sentence Trouble London: Communication Trust. Available from: <http://www.thecommunicationtrust.org.uk/resources/resources-for-practitioners/>
24. Munton, A. An evaluation of the pilot for The Box, the RCSLT's criminal justice training package and screening tools. Available from: http://www.rcslt.org/speech_and_language_therapy/docs/rtk_final_report_box_pilotbehaviour

showed participants were better able to identify communication difficulties and to apply their knowledge to their work setting.

Student observations of Probation Interventions showed that programme facilitators used a number of skills that are likely to be helpful in supporting the communication difficulties. Areas for skills development included; reducing the amount and complexity of information presented verbally; increasing the use of visual aids and being mindful of cues that might indicate difficulties. Students were able to highlight the importance of close attention to service users' facial expressions, body language and interaction with other group members, which might indicate that service users have not understood the information presented. This strategy could also support the identification of underlying difficulties and need for support, such as the use of more specific questions or examples. Students recommended use of a seating plan, to ensure that less confident or able group members were in direct view of the facilitators, so encouragement and support could be given. Additional practical suggestions included explanation of all terminology and having frequently used terminology on the wall.

Students made adaptations to written resources for example simplification of vocabulary, sentence structure, use of pictures, and consideration of clear layouts. Without changing the essential content, the students simplified the instructions and adapted the design of the Control Log used on the Domestic Abuse programme. For example, the service users were asked to 'Briefly describe the situation and the actions you used to control your partner (statements, gestures, tone of voice, physical contact, facial expressions)'. The students replaced this with a more straightforward request, 'Describe an incident when you physically abused your partner for example What did you say? How did you say it? What did you do?' The alterations were implemented to make it easier for the men to answer the questions, to identify areas of change they needed to make and start the process of change. The feedback about the new control log was positive, with group members reporting that it was easier to understand and facilitators reporting that it was a big improvement on the old log.

As part of the placements, students provided training sessions for Probation teams, in order to raise awareness of communication difficulties and provide

supporting strategies. Probation staff recognized their lack of expertise and were receptive to the training and the recommended strategies. One pair of students designed a communication pack, as part of their training, which was well received by the staff and resulted in further training requests. Overall, the Probation staff found the student suggestions helpful and were very supportive of the placements.

Conclusions and Recommendations

For offenders to receive fair and equal treatment and opportunities, all staff working within the CJS need to be aware of the possibility of communication difficulties, including what to observe and supporting strategies that can be offered. Group interventions that address offending behaviours need to be accessible for those with communication and learning difficulties and resources need to be designed carefully, with adaptations put in place when needed. Training would support CJS staff to identify communication and learning needs and to use strategies to support service users. Access to suitable screening and assessment at different points in the process of sentencing and intervention is essential. Probation staff also need easy access to specialist professional support, to enable full and accurate pre-sentence reports to be made, to receive advice and to support the provision of suitable intervention packages.

Although there is improving awareness of the numbers of service users with communication and learning disability in the population of offenders, challenges remain. There is some evidence of effective assessment and intervention. However, overall the pace of change is slow. Furthermore, service users have complex individual profiles and social circumstances and it is therefore challenging to know how to measure the effect of interventions and the impact on reoffending.

Speech and Language Therapy students asked the question, 'Is there a role for Speech and Language Therapy in the Probation Service?' Our conclusions are that Speech and Language Therapists are excellently placed to support the screening and assessment of service users, to produce and adapt accessible resources and to provide staff training in communication difficulties.