

Learning disability



What is learning disability?

No two people with a learning disability are the same. That means it's difficult to give a 'one size fits all' definition of the condition. It's important to remember that people with a learning disability will have different strengths, skills and areas of difficulty.



Learning disability is often confused with learning **difficulties** (which include conditions such as dyslexia, dyspraxia and ADHD).

Learning **disability** is a specific diagnosis. In general terms, a learning disability is a condition present since birth or childhood which affects an individual's ability to understand new or complex information, learn new skills and manage everyday activities independently.

An individual with a learning disability may:

- Find it difficult to understand information or may require extra time to do so.
- Forget information more easily than others.
- Have difficulty understanding others and expressing themselves clearly.
- Struggle to identify and mitigate risks.
- Require support to complete some everyday tasks.

There are different categories of learning disability, which relate to the severity of an individual's difficulties and the impact on their everyday lives:

Mild learning disability: The person can undertake most everyday activities independently but may require support in some areas (e.g., filling out forms or understanding legal advice).

Moderate learning disability: The person may have greater communication difficulties and may require more support with daily activities. They may be able to undertake some daily tasks independently.

Severe or profound learning disability: The person may use single words or gestures to communicate. They will require support to complete most day-to-day tasks.

Facts & statistics

2.2% of adults in the UK have a learning disability (*Mencap, 2022*)

5-10% of incarcerated people have a learning disability (*Prison Reform Trust, 2017*)

25% of incarcerated young people have a very low IQ, below 70 (*Prison Reform Trust, 2017*)

Sources

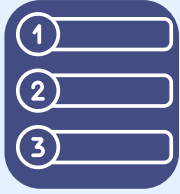
Mencap website (2022): www.mencap.org.uk/learning-disability-explained/research-and-statistics/how-common-learning-disability

Prison Reform Trust (2017) Mental health, autism and learning disabilities in the criminal courts. Prison Reform Trust website, Accessed: September 2022

Communication tips



Allow additional time when scheduling meetings. Discussions with a client with a learning disability may require a much slower pace, as well as time for breaks, recapping and checking understanding.



Consider the amount of information. Your client may find it difficult to address several different tasks, decisions or topics in a single meeting.



Introduce yourself and your role and allow plenty of time for rapport building.



Introduce what you want to talk about at the outset of meetings. It might be helpful to use a topic list, which you or your client can tick off as each task is completed.



Use short, simple sentences. This will make verbal information easier to process. It can help to imagine speaking in 'bullet points'.



Use common, everyday words. If more specialised words can't be avoided, explain them in simple terms and check your client's understanding of your explanation.



Allow extra time after asking questions to allow your client to process the question, formulate their response and reply. Make sure you also allow plenty of extra time for your client to process important information you provide.



Use visual aids like drawings and diagrams to support understanding of verbal information. Read our [guide to visual aids](#) for more information.



Regularly recap key points to support your client to remember important information.



Avoid leading questions, which your client may simply agree with ("You want [child] to live with Jane, don't you?"). Instead ask open questions ("Where do you think [child] should live?")



Check your client's understanding by asking them to recap key points in their own words. E.g., "What does bad character mean?" and "What will happen next in court?". Read our [guide to checking understanding](#).



Consider literacy difficulties. If your client has difficulty reading, they may benefit from easy-read summaries [and other strategies](#).



Further reading

- The Advocate's Gateway - [Toolkit 4: Planning to Question Someone with a Learning Disability](#)
- [Is cross-examination of a vulnerable defendant with intellectual disability a fair communicative exchange?](#) (Morrison, 2023)
- [Mental health, autism and learning disabilities in the criminal courts](#) (Prison Reform Trust, 2017)
- [Care proceedings and parents with learning difficulties, has anything really changed in 20 years?](#) (Family Law Pod, St James Chambers 2022)
- [Mencap](#) (Learning disability charity)

From The Access Brief

- [How to create visual aids](#)
- [How to check understanding](#)
- [Supporting literacy difficulties](#)
- [How to create easy read documents](#)
- [Supporting numeracy difficulties](#)
- [Conferences & communication difficulties](#)
- [Intermediary assessments](#)
- [Ground Rules Hearings](#)
- [How can an intermediary assist at trial?](#)
- [Judgements & communication difficulties](#)
- [Clients with an Official Solicitor](#)
- [Working with an intermediary and an advocate](#)
- [Working with an intermediary and an interpreter](#)

Intermediary services

If you are concerned about your client's ability to communicate effectively and participate in legal proceedings, Communicourt can help.

We will assess your client to understand their communication needs and how these might affect them in court. Your client does not need to have a diagnosis. Our reports will identify any particular communication issues and make bespoke recommendations to help you and your client throughout proceedings.

If intermediary assistance is recommended, one of our highly trained intermediaries can be there throughout proceedings to facilitate those recommendations.

Intermediaries are mostly funded by HMCTS, with no charges or payments required by legal representatives.

How to book an intermediary

- 1 Refer online.** Refer your client for an assessment through [our online portal](#) (5 minutes).
- 2 Funding.** We send a quote for you to send to Legal Aid / HMCTS to approve (24 hours).
- 3 Book assessment.** Once funding is approved, please let us know. We will schedule an assessment (2-6 weeks).
- 4 Assessment will** take up to 3 hours and can be conducted in person or remotely. You will then receive a report (7 days).
- 5 Book dates** for hearings or conferences. We will send you booking forms to be signed by the court. Once signed, we will book the intermediary.