



Justice Disability Steering Group

Access to Justice Final Report

June 2010



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Justice Disability Steering Group

Access to Justice Final Report

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1. Background to the Justice Disability Steering Group

The Justice Disability Steering Group (JDSG) was set up in 2007 by the organisations representing the justice sector in Scotland. It comprises:

- The Association of Chief Police Officers in Scotland (ACPOS)
- The Crown Office and Procurator Fiscal Service (COPFS)
- The Law Society of Scotland
- The Scottish Court Service
- The Scottish Government
- The Scottish Legal Aid Board (SLAB)
- The Scottish Prison Service

The JDSG is keen to develop ways in which disabled people can be involved in helping to improve access to services across the justice system in Scotland and to draw on their skills and experience to improve the Scottish justice sector for all.

The JDSG recognises that, whilst much of the work of the justice system is delivered fairly and in an accessible way, some physical, attitudinal and procedural barriers do still exist for disabled people and more needs to be done to remove them.

To achieve this aim, the JDSG has formed a collaborative partnership with leading disability organisations interested in the justice process. This collaboration will offer a wider perspective and enable the JDSG members to identify what changes are required in each specific organisation.

As part of this partnership the JDSG launched a six month involvement programme with disabled people aimed at eliminating discrimination and promoting equal opportunities. The JDSG appointed Capability Scotland to manage this programme on their behalf.

2. A programme of involvement

The Justice and Disability Steering Group contracted Capability Scotland to manage a programme of involvement with disabled people from June to December 2009.

This project aimed to establish a multi-agency approach to long-term involvement of disabled people that will improve effectiveness and efficiency across the justice sector in the future.

This model for engaging, consulting and involving disabled people can then be taken forward by Justice Sector agencies, either individually or collaboratively, in order to fulfill their public sector duty to involve disabled people in policy making.

Capability used a four-stage process to engage and involve disabled people:

1. A paper and web-based survey exploring access to justice
2. Public involvement events with disabled people
3. Involvement events with disabled prisoners
4. National Conference attended by disabled people and justice practitioners

The process of involvement at each stage was designed to ensure that the widest range of disabled people were given the opportunity to share their own experiences of the justice system and offer their views as to how barriers to accessing justice might best be removed.

3. The involvement process

1. A paper and web-based survey exploring access to justice

To begin the project in July 2009 a questionnaire was sent to Capability's 1 in 4 poll panel members, 461 people who regularly give their opinion on issues affecting disabled people.

Capability posted the 1 in 4 poll questionnaire on the Capability Scotland website for the duration of the programme of involvement to give members of the public with personal experience of disability an opportunity to give their views on the accessibility of the justice system. JDSG member organisations also had links on their websites to the questionnaire.

The specific objectives of the survey were:

- to assess the likelihood of disabled people having experience of the justice system
- to look at perceptions of the justice system
- to explore awareness of information and advice on the justice system

The results of the initial 1 in 4 poll were used to shape the design of public involvement events and the combined results, with the additional public responses added in, have been published as a separate report.



2. Public involvement events with disabled people

From August to October 2009 Capability worked with the following organisations to hold seven involvement events, including one it ran itself, for disabled people to raise concerns about the justice sector and make suggestions for improvement to access:

- The Black and Ethnic Minority Infrastructure in Scotland (BEMIS)
- Deaf Connections
- Guide Dogs and the Scottish Disability Equality Forum (SDEF)
- Inclusion Scotland
- The Scottish Association for Mental Health (SAMH)
- The Speak Out Advocacy Project

144 disabled people with a range of impairments and conditions attended the events and discussed issues in relation to access to justice. Participants travelled from all across Scotland, including Orkney and the Western Isles.

The disabled people who came to participate in the public events had a very broad range of experiences of the justice system. Some had direct experience of civil or criminal justice, for example, serving on a jury, reporting a crime to the police, perpetrating a crime, attending a tribunal, being witness in court, applying for legal aid, taking a case under the Disability Discrimination Act, or having past experience of serving custodial sentences in prison. Others had no direct experience but talked about their perceptions of the justice system and how they would feel if they had to engage with any particular justice agency.

Each involvement event was designed around the concept of a ‘perfect pathway’ in relation to access to the justice system. This concept brought

the somewhat ethereal notion of ‘accessing justice’ back down to earth for participants, so that the complexity of the justice system could be appreciated by all, without it becoming bewildering or intimidating. Groups were also able to move forward from focussing in on one justice agency, e.g. their experience of the police or courts.

Five key topic areas were discussed:

- Physical access
- Access to legal advice
- Information barriers
- Communication barriers
- Attitudinal barriers and rights

Scenarios were used for each area in order to prompt discussion and bring the issues to life. Participants talked in small discussion groups about their experiences and perceptions in each area and then reported back on their main issues of concern and key suggestions for action.

Participants were encouraged to imagine what a ‘seamless journey’ through the justice system might look like; an ideal-world scenario where impairment, deafness, learning difficulty or mental ill-health conferred no additional disadvantage for disabled people who are victims or perpetrators of crime, witnesses, jurors, complainants, civil witnesses or litigants, legal aid applicants or prisoners.

Rather than simply describing problems or barriers, disabled participants were supported to suggest examples of good practice that other agencies might learn from and to offer suggestions for action, particularly in relation to involving disabled people in improving the justice sector.

Some of the stories told by disabled people at the events were overwhelmingly negative. Deaf people who use British Sign Language told



of being wrongfully arrested when their conversation in sign language was mistaken for violent drunkenness by Police. A wheelchair user seeking legal advice for divorce proceedings discussed how he felt when he was given details of twelve solicitors by the Law Society but was unable to access the offices of any of them, and so had the 'choice' of only one, the firm that offered him a home visit. A man with learning difficulties described his anger at not being supported as a witness to a crime he had reported.

Other stories were much more positive. For example, a woman who had experienced mental ill-health for the first time after the death of a close relative described how a sheriff referred her for the professional mental health support that she needed after she committed a shoplifting offence whilst in mental crisis. A woman with a learning difficulty was also full of praise for a solicitor who had supported her to understand court proceedings having liaised appropriately with her advocacy worker to make sure all her communication needs were met.

We also encountered examples of disabled people turning a negative experience of the justice system into a positive one for others. For example, one delegate described being locked up over the weekend in a police cell whilst having Post Traumatic Stress Disorder (PTSD) caused by his involvement as a serviceman with the war in Iraq. He felt that he was not given food or water because he would not bang or shout like other people in the cells as he was in crisis and experiencing flashbacks and the noise was exacerbating his distress.

He now works as a PTSD counsellor with veterans and supports clients who are arrested or imprisoned. He recognised the everyday pressures that police desk sergeants may be under when booking people in who may be drunk and/or violent and suggested innovative ways to train staff within the justice sector to spot 'unusual' or 'uncooperative' behavioural responses caused by underlying mental health problems.

3. Involvement events with disabled prisoners

Capability also held involvement events in two prisons; the women's prison at Cornton Vale in Stirling and the male prison at Barlinnie in Glasgow. These were designed to hear the views and experiences of disabled prisoners who had direct experience of journeying through the criminal justice system.

30 disabled prisoners talked to us about their experiences. The participants had a range of impairments and conditions including mental ill health, learning disabilities, hearing and visual impairments, physical impairments and hidden impairments, such as epilepsy. Their sentences were not disclosed but it was clear that their offences were varied in nature.

A set list of questions, with follow up questions used as required, was based on the same four key topic areas as the public involvement groups. As with those who participated in the public involvement events, the prisoners' experiences of the justice system varied.

For example, a prisoner with an autism spectrum disorder described how her defence team had permitted her to draw pictures whilst in court so as to provide her with a method of coping with additional anxiety and panic related to her disability. A prisoner with learning difficulties described how he had been assisted to understand the justice process by his solicitor and thought his treatment by prison staff had generally been fair.

A prisoner with a hearing impairment reported how he had encountered particular problems at all stages of the justice process in understanding what was happening. He felt that adjustments hadn't been made for his impairment and was concerned that he was seen as difficult or obstructive in prison when in fact he simply couldn't hear what was being said.



The views and experiences of disabled people gathered in the survey, seven public involvement events and two prison involvement events were documented in ten reports.

4. National conference attended by disabled people & justice practitioners

The last stage of the involvement project saw Capability organise a national conference about disabled peoples' experience of access to justice on the 16 November 2009 in Edinburgh.

Opened by the Cabinet Secretary for Justice and Communities, Kenny MacAskill, MSP this summit was both an open forum for discussion and debate and a high profile launch for the justice sector's future work with disabled people in improving the justice system in Scotland.

The event enabled a mix of disabled people who had participated in the involvement events, and some who had not, to work with justice sector practitioners to address the areas previously identified as being problematic for disabled people.

A single combined report of all of the involvement events was developed to act as a working document for the conference. This provided the framework for discussion at eight break-out groups, which were run over two sessions. Facilitators were tasked with stimulating the break-out groups to identify methods of resolving the problems faced by disabled people using issues which had been raised at the earlier involvement sessions. These included:

Physical access

- Justice sector organisations should be based in accessible premises and if not make reasonable adjustments or consider using alternative premises where physical adjustments are not

possible to main offices.

- Justice sector organisations should recognise the full range of access barriers experienced by disabled people and not just focus on those faced by wheelchair users.

Access to legal advice

- Disabled people felt that legal aid was not always available to people to take cases under the Disability Discrimination Act
- The Scottish Government should consider reviewing Small Claims procedures and the provision of legal aid for Small Claims cases taken under the Disability Discrimination Act

Information barriers

- Justice sector organisations need to do more to make information accessible.
- Justice sector organisations should use plain language and avoid jargon and legal language wherever possible.
- There should be a one stop shop for information and advice on justice issues.
- More information should be provided about the justice system and people's journey through each stage.

Communication barriers

- Justice sector organisations should use plain language and include families, peer supporters, advocates, social workers and other



supporters where possible.

- There should be a larger pool of minority ethnic interpretation and BSL interpreters and note-takers that JDSG organisations can call upon.
- Disability Equality Training provided to justice sector organisations should include the importance of not making assumptions about how disabled people look or sound.
- Communication support should be provided so that disabled people can be members of a jury.

Attitudinal barriers and rights

- Justice sector organisations should guard against staff making assumptions about the credibility of a person's evidence for a reason related to their impairment or condition.
- Justice sector organisations should communicate to one another regarding a person's requirements so as to ensure that a disabled person's requirements can be met.
- Justice sector organisations should consider awarding more funding for minority ethnic and disability advocacy services.
- The Law Society and the Scottish Legal Aid Board should work together on a plan to increase the number of cases that are taken under the DDA (and from October 2010, the Equality Act).

A record was taken of each break-out session and these were used to develop the following tables of barriers, good practice and suggestions for improvements.

4. Key issues, ideas for action and recommendations

4.1 Physical access

	Barrier/problem identified	Good practice/solution suggested
4.1.1	Physically disabled people still face real barriers to access to the premises used by the justice sector.	<p>Justice sector organisations should ensure that making their main entrance accessible is a priority and that disabled people are not required to use a separate entrance.</p>
		<p>Justice sector organisations should ensure that their premises are British Standard compliant in relation to access, accessible toilets and in particular accessible parking. All new buildings should comply with British Standard 8300:2009: Design of buildings and their approaches to meet the needs of disabled people.</p> <p>It is recommended that Changing Places toilets should be provided in larger buildings and complexes. Changing places toilets are larger than standard disabled toilets with extra features. They provide sufficient room to users of larger powered wheelchairs and disabled people who need assistance from carers to use the toilet comfortably.</p>



	Barrier/problem identified	Good practice/solution suggested
4.1.1	Physically disabled people still face real barriers to access to the premises used by the justice sector. (cont)	Justice sector organisations should contract disabled access auditors to ensure the accessibility of their buildings and highlight necessary improvements. Auditing is most effective at the design stage.
		A £130m redevelopment project is planned for the courts within Parliament House. This presents the ideal opportunity for these courts to be a showcase for accessibility.
		Justice sector organisations should make disabled people aware that they can ask for a reasonable adjustment to be made. The complaints system available in relation to this issue needs to be streamlined or standardised.
		Good practice: ACPOS have a Community Advisory group and Fife Constabulary have a disability advisory group in relation to physical access to police stations. Central Scotland Police had all their police stations audited by disabled people.

	Barrier/problem identified	Good practice/solution suggested
4.1.2	Justice sector organisations need to move away from equating disabled people with wheelchair users and consider signing, lighting and colour contrast which can improve accessibility to people with a wide variety of impairments.	Good practice: NHS guidance, as seen implemented in new hospitals, provides good practice examples particularly in relation to good signage, for example, follow the line channelling rather than written signs.
		Good practice: Fife Constabulary is using taped lines on the ground to help people with guide dogs know where to go or wait.
4.1.3	Staff are often unable to provide accurate information on the accessibility of premises.	Justice sector organisations should provide staff with guidance in answering questions about the physical accessibility of their building and other venues.
4.1.4	The Scottish Court Service should include details on the level of accessibility of the courts so that disabled people can evaluate whether or not they will be able to get into buildings in advance of attending court.	Information about access or questionnaires about access requirements could be sent out by the Court Service or legal professionals with initial correspondence to clients so the courts service can make reasonable adjustments in advance where possible, e.g. provision of alternative venues.



	Barrier/problem identified	Good practice/solution suggested
		<p>Good Practice: Witness citations sent out by COPFS are accompanied by a Going to Court sheet which includes information about access to court buildings.</p> <p>The Going to Court sheet should also cover information about remote sites if these are used.</p>
4.1.5	Physical access barriers also exist for those experiencing phobic or panic conditions, or who are on the autism spectrum, as well as for people with physical impairments.	SAMH and other mental health charities can advise about reasonable adjustments for access requirements related to mental ill health.
		People with personal experience of, or a specialism in, autism can assist justice organisations to create environments that suit people on the autism spectrum.

4.2 Accessing legal advice

	Barrier/problem identified	Good practice/solution suggested
4.2.1	The fact that legal aid is not available for Small Claims may prevent disabled people exercising their rights under Part 3 of the Disability Discrimination Act.	Legal aid is not available for Small Claims cases as there is no need for a solicitor to represent for Small Claims procedures. The Scottish Government should consider reviewing Small Claims procedures in relation to the provision of legal aid.
		Small Claims only reflects the limited financial sums involved and not the complexity of DDA cases – more research should be done on whether this barrier to accessing justice through the Small Claims process adversely affects disability-related DDA claims.
		Solicitors, advocates and disabled clients could utilise Conditional Fee Agreements, ‘no win no fee’ to take part 3 cases under the Disability Discrimination Act.
		Good practice: In-court advice provision is a very good service model in relation to supporting disabled people to take Small Claims cases.



	Barrier/problem identified	Good practice/solution suggested
4.2.2	The cost of communication and other disability-related support may be a barrier to solicitors taking up the cases of disabled people.	In applying for advice, assistance and legal aid, solicitors can seek funding for 'special arrangements' e.g. to provide a BSL interpreter for a client who is deaf or to visit a client at home who is unable to come to the office.
		The Law Society and SLAB should consider how best to educate solicitors that legal aid can cover the costs of 'special arrangements'.
		Good practice: The Law Society publication <i>Ensuring fairness, creating opportunities: A practical guide to equality and diversity for Scottish solicitors</i> has useful information about delivering an equal and accessible service to disabled clients.
4.2.3	There is a shortage of solicitors with disability discrimination and human rights expertise.	The Law Society could take action with university law departments to encourage more solicitors to train in discrimination and human rights law.
		There are 12 law centres in Scotland that provide an invaluable service to disabled people seeking legal redress. This network should be increased where possible.

4.3 Information barriers

	Barrier/problem identified	Good practice/solution suggested
4.3.1	Public information about justice and the law can be written in complex or jargon filled language which excludes many disabled people.	Justice sector organisations should encourage all staff to write and explain without using jargon. When technical or legal language is required it should be followed by an explanation in plain English.
		Good practice: Crown Office and Procurator Fiscal Service's Victim Information and Advice (VIA) leaflets have been re-written in accessible language.
		Plain English should in fact mean 'Easily Read and Understood'. Everyone benefits from this, not just disabled people.
		Disabled people would benefit from easily understood guidance that explained how to work best with a solicitor.
		Good practice: NHS Highland issued guidance in October 2008 that could usefully shape practice and procedures within the justice sector.



	Barrier/problem identified	Good practice/solution suggested
4.3.2	Justice sector organisations should communicate to one another a disabled person's information requirements as early as possible to ensure they are met in a timely manner at every stage in the process.	IT & data protection protocols for sharing confidential information should be reviewed.
		Good practice: Transition services that support disabled people through change in their lives, when moving from child to adult services or when leaving school for example, provide good practice examples in relation to information provision. They routinely have to exchange information pertinent to meeting a range of needs between a number of agencies.
4.3.3	Justice sector organisations should ensure that staff take time to ensure that information provided has been absorbed and understood by disabled people.	Justice sector organisations should use respectful, active and inclusive methods of communication and should seek to include families, peer supporters, advocates, social workers and Community Psychiatric Nurses where appropriate and possible.
		When justice professionals can identify who knows most about an individual's needs and involve them (when appropriate) they are more successful in meeting people's multiple needs rather than just needs in relation to an impairment or condition.

	Barrier/problem identified	Good practice/solution suggested
		Justice sector organisations should expect to use multiple forms of communication with people with a cognitive impairment or learning disability. Essential written information may need to be symbolised, particularly where consent or informed choices are required.
4.3.4	Justice sector websites are not fully accessible.	Justice sector organisations should investigate making all documents on their websites available as plain text Word documents and not just as PDFs, which are not always accessible through screen reading software.
		Good practice: W3C Web Content Accessibility Guidelines explain how to make web content accessible to disabled people and organisations such as the RNIB, the SCLD and the British Dyslexia Association can provide advice and audits to make sure that web content and written materials meet accessibility criteria for people with sight problems, learning disabilities and Dyslexia.



	Barrier/problem identified	Good practice/solution suggested
4.3.5	Information provided by the Justice sector is very often not 'deaf friendly'- in plain English for English Speakers/readers, or BSL interpreted for BSL users.	Justice sector organisations should seek advice from voluntary sector organisations representing deaf people (Deaf Connections, SCOD, RNID) about formatting information to make it 'deaf friendly'. Many BSL users do not read English and so need BSL interpretation in person or on-screen.
4.3.6	Online/DVDs with BSL interpretation is vital for public information getting passed to deaf BSL users.	Good practice: Online interpretation is going to be offered at Peterhead Prison, other agencies could follow the lead here.
		Good practice: The Scottish Government produced a DVD on court proceedings which is BSL interpreted. It is given out by Victim Information and Advice (VIA) staff in Procurator Fiscal offices. The Scottish Government's DVD on bowel cancer provides a good example of a DVD that has been tested with disabled viewers at design stage.

	Barrier/problem identified	Good practice/solution suggested
4.3.7	Information provided by the justice sector is not available in alternative formats, including large print, easy read, symbolised or action photo format for people with learning disability.	Staff should ask or discuss more fully what format information is needed in. Organisations should approach disability organisations about producing alternative formats and ensuring they are accessible.
		Justice sector organisations should send key staff on accessible information training courses.
		Provision is somewhat patchy as a recent review of information about the Adult Support and Protection Act showed - a review of what is actually available in easy-read by area of legislation should therefore be performed.
		Good practice: Health Rights Information Scotland (HRIS) run by Consumer Focus Scotland produce highly accessible information that allows each health board to add their own information. The JDSG could investigate linking with this website



	Barrier/problem identified	Good practice/solution suggested
4.3.8	The justice sector does not produce sufficient disability-related information in minority languages and accessible information in minority languages.	Justice sector organisations should review the information they provide in minority languages to ensure that disability-specific issues (access, communication support, rights entitlement, for example) are included.
		Justice sector organisations should communicate to all staff that it is not appropriate to rely on family members to translate information into a person's minority language.
		Justice sector organisations should be creative in getting information to black and minority ethnic disabled people by, for example, having disability equality/rights awareness days at places of worship and community centres.

4.4 Communication Barriers

	Barrier/problem identified	Good practice/solution suggested
4.4.1	A lack of advocacy and communication support can stop people with mental ill health and adults with learning disabilities from getting a fair deal from the justice system.	Justice sector organisations should work together to ensure that people with mental ill health and/or learning difficulties receive the support necessary for full access to the justice system so that they are not treated as either above or below the law.
4.4.2	Poor access to the appropriate adult service or a lack of knowledge about vulnerable witness provisions can disadvantage people with mental health problems and adults with learning disabilities entering the justice system.	The Scottish Government should consider a review of the appropriate adult service and raising awareness of vulnerable witness provisions with justice sector staff.
		ACPOS and COPFS should work together to reassure people with mental ill health and/or learning difficulties that crimes against them are taken seriously and will be investigated fully.



	Barrier/problem identified	Good practice/solution suggested
		The Law Society should encourage solicitors and staff with legal qualifications to be peer supporters for people with mental ill health and adults with learning disabilities.
4.4.3	Access to justice on civil matters is undermined because it is incumbent on both parties in an action to provide their own interpretation or other support systems.	The Law Society should facilitate the opportunity for civil law practitioners to learn from the mistakes and successes of criminal law practitioners in relation to supporting disabled people in this area.
4.4.4	Justice sector organisations need to have arrangements in place to ensure they can provide on-demand assistance in reasonable timescales to deaf, hard-of-hearing people and deafblind people.	Justice sector organisations should ensure staff can locate BSL interpreters, lip-speakers, palantypists/note-takers, deafblind communicators or deafblind manual interpreters after checking which are appropriate to the disabled person needing support.
		Justice sector organisations should ensure that family members of deaf and deafblind people are not used as a substitute for contracting the services of a professional independent interpreter.

	Barrier/problem identified	Good practice/solution suggested
		Simple communication forms such as flip-charts can be equally effective and more flexible than complicated equipment in some situations.
		Justice sector organisations need to consider acoustics and may decide to increase provision of microphones to improve sound quality. This is particularly important in large rooms such as Courts.
		Justice sector organisations should investigate the use of “Sign on Screen” and support the pilot project run by Deaf Connections. Sign on Screen offers volunteers use of an internet based online video interpreting service as a means of communicating more easily with a wide range of hearing people who are using an ordinary phone. Sign on Screen also enables deaf people to communicate in sign language with hearing people at short meetings.
		Justice sector organisations should fit induction loops as a minimum requirement at the reception desk and in interview rooms and boardrooms. Induction loops need to be routinely tested and maintained.



	Barrier/problem identified	Good practice/solution suggested
		Good practice: The police have demonstrated good practice by putting procedures in place so that they can request BSL interpretation within an hour and can share the referral information with the Court Service.
4.4.5	Basic information provision, such as call systems, should work for hearing impaired people.	ACPOS and the Scottish Court Service in particular should consider installing electronic displays or other visual methods of communication to complement audio name-calling systems in waiting rooms.
4.4.6	The police in particular should be better equipped to assist deaf, hard-of-hearing people and deafblind people.	ACPOS should recommend that police officers are trained in BSL level one, are familiar with deaf voices and are trained in finger-spelling for hard-of-hearing people.
		ACPOS should encourage the use of SMS texting for deaf people to contact the police.
		ACPOS should consult deaf organisations that represent BSL users about policy in relation to handcuffing so that practice protects public safety but does not discriminate against those who sign.
		Good practice: Fife constabulary have run a 10 week basic BSL course for 20 frontline staff which was very well received.

4.5 Attitudinal barriers and rights entitlement

	Barrier/problem identified	Good practice/solution suggested
4.5.1	Disability Equality Training is not a one-size-fits-all approach for training staff in disability related issues.	Disability Equality Training should ensure justice practitioners do not discriminate on the basis of how people look, behave or sound.
		Justice sector organisations should ensure training is provided on interacting with people on the autism spectrum.
		Justice sector organisation staff should ensure their staff receive Deaf Awareness Training (DAT) which deals specifically with methods of communicating with BSL users, BSL interpreters and hard-of-hearing people.
		Justice sector organisations should provide mental health awareness training to staff. Testimonials within a supported training environment from staff who have had personal experience of mental ill health can be very powerful in terms of challenging attitudinal barriers.



	Barrier/problem identified	Good practice/solution suggested
		Justice sector organisation staff should be trained to work effectively with advocacy workers and social workers, and to feel confident in signposting clients to these services.
		Good practice: Readily available information for staff, such as the posters and flash cards for Prison Officers developed with Capability Scotland, can be useful in backing up training.
		Good practice: The Mental Health Tribunal designed their own Disability Equality Training alongside SAMH and other disability organisations and created a DVD that staff are required to watch that deals specifically with attitudinal barriers.
4.5.2	Disabled people, particularly those with learning difficulties and mental ill-health, are not often supported to disclose this to justice practitioners.	Justice sector organisations should work with others with the NHS and Scottish Government to develop innovative and sensitive ways to help people with hidden impairments disclose these impairments.

	Barrier/problem identified	Good practice/solution suggested
		Self-identification schemes could be adopted voluntarily by disabled people involving, for example, ID cards, bracelets or 'dog-tags'.
		Good practice: Strathclyde Police, in partnership with Glasgow City Council and Greater Glasgow and Clyde NHS have issued Autism Alert Cards.
4.5.3	The Scottish Court Service, COPFS and ACPOS should guard against staff making assumptions about the credibility of a person's statement for a reason related to their impairment or condition without further investigation.	Disabled people, particularly those with mental ill health and learning difficulties, should be involved in the production of policy, training and practice about taking statements.
4.5.4	There are not enough advocacy, peer support and link/bridge services for disabled people which are essential to ensure that they can be supported when accessing the justice sector.	The Scottish Government should award more funding for such services which should have a Scotland-wide coverage.



4.5.5	Disabled people need a greater awareness of their right to reasonable adjustments to physical features under the Disability Discrimination Act and from October 2010 the Equality Act.	Disability organisations and the Equality and Human Rights Commission should do more to raise awareness of Part 3 of the Disability Discrimination Act and the provisions of the Equality Act.
		The feasibility of funding access auditors to assist disabled people who are considering taking legal action against service providers in relation to access should be investigated.
		Scots lawyers doing free 'pro bono' work could be encouraged for DDA work.

4.6 Other issues raised and solutions offered

	Barrier/problem identified	Good practice / solution suggested
4.6.1	In certain situations the adversarial system can create additional disadvantage for disabled people.	Court processes may be improved by learning from tribunal systems that are routinely engaging with the needs of disabled people.
		Good practice: The operation of Mental Health Tribunals and Additional Support Needs Tribunal are seen to be excellent examples of justice processes which understand disabled people's needs.
4.6.2	Disabled people should not be prevented from becoming jurors as a result of their impairment.	Justice sector organisations should take immediate action to provide the communication support required to tackle barriers disabled people encounter in jury service to ensure that juries are more representative.
		The Scottish Government should consult on a change to primary legislation to permit an interpreter to retire with the jury to provide communication support.



	Barrier/problem identified	Good practice / solution suggested
4.6.3	Jurors should be better aware of the effects that disabled people's impairments have on them when hearing evidence.	Jurors should receive Disability Equality Training before hearing evidence.
4.6.4	Disabled people do not believe that there is a suitable mediation, alternative dispute resolution or legal advice service to solve issues without going to court.	The voluntary sector should work together with the Law Society and the EHRC to provide a national service.

5. Recommendations for ongoing involvement

5.1 Feedback from disabled participants in the process

Disabled people at each of the involvement events and at the main conference were asked if they would like to remain involved in the work of the Justice Disability Steering Group and, if so, what the best method was for continuing involvement.

Participants were keen to stress that there is no standard method to involve or communicate with disabled people in Scotland. The key to long-term success was seen as using as many ways as possible to involve disabled people, for example, as access auditors, as consultants and as participants on advisory panels and boards. Mapping and connecting with local access panels, advocacy projects, civic participation forums, patient groups, mental health support groups and actual services that support disabled people at home was felt to be really important to the efficiency of any involvement process.

Anticipating, accepting and bearing the cost of interpretation, translation, production of documentation in alternative formats and provision of personal assistants was also seen as crucial to the whole process.

There was a strong feeling that, rather than trying to 're-invent the wheel', the justice sector should tap into groups that were already in existence. It was, however, also suggested that the JDSG could set up an advisory group of disabled people, which is independent of any disability



organisation. This group of individuals could be the JDSG's sounding board on new initiatives and proposals. This would be in addition to keeping the participants at the events involved in future work.

The importance of targeting justice sector information effectively was highlighted, as was the need for liaison with organisations that represent disabled people, before materials or web content is designed and produced by justice sector organisations.

As with all advice and information provision, placement was also considered extremely important, particularly as disabled people experience many barriers with regard to getting to and around public offices or buildings such as libraries, social work and housing offices.

To improve the chances of disabled people receiving information about future involvement events, or the follow-up work of the JDSG, several other communication channels were suggested including disability resource centres, care and support services, occupational therapists, district nurses, health visitors, GP surgeries and Citizens Advice Bureaus.

Disabled people felt that face to face events were far more effective than completing questionnaires or having telephone interviews. They also said that they felt that they benefited from discussing the issues in groups because comments made by other participants made them think of other points to make.

Participants at the SDEF and Guide Dogs event in Inverness said that involvement sessions should take place in more rural areas. It was reported that there were more disabled people in Orkney who wanted to attend the event in Inverness but it was too far for them to travel. Only one person from Orkney managed to attend.

Fundamentally, it was felt that, without feedback on JDSG follow-up work in relation to the outputs of the involvement programme, people would be less likely to take part in future events. This was due to a concern that disabled people's original input would have little influence and a suspicion that the events were just 'tick box exercises'.



5.2 Issues to be addressed in defining the way forward

The feedback from disabled participants was both hugely positive about the work done to date and somewhat cynical that action would be taken on the back of it. There is therefore a clear need to provide feedback to participants about what has happened to their views and what will happen next. This is in addition to involving and consulting with them in the future.

The significant quantity of information gathered to date also presents a challenge. The time available at the conference meant only a limited number of high level issues could be discussed in the search for solutions.

There is a considerable amount of useful information which could not be discussed at the conference but which is documented in the event reports. This information will also be considered by JDSG members and reported back on in due course. No further input will be sought from disabled participants until this work has been completed.

This is particularly true in the case of the prison involvement groups. Many of the issues raised can be directly matched with results from the public involvement sessions, but others were unique to a prisoner's experience. Since prisoners could not be invited to the conference, these unique issues were not discussed in the workshops and therefore do not appear in this report.

Finally, it was clear that participants in the session wanted the involvement to continue but in a way that did not require considerable input - at least until there was some real progress on the issues raised to date. The conclusion appeared to be that an approach building on existing representative structures but with a specific focus on justice would be the best way forward.



5.3 Proposed programme of work over the coming year

Area of work	Method suggested
Communication with participants as to progress made in improving access to justice for disabled people.	Quarterly update sent to participants, explaining progress and highlighting examples being taken forward.
Logging of all the relevant and current issues raised during the involvement process not highlighted in this final report.	Perform a detailed review of all involvement events, allocate issues to be considered by the relevant justice organisation with non-current issues discarded and publish full table of issues with timescales for action attached.
Ongoing involvement and consultation with disabled people.	<p>With the involvement programme gathering sufficient information on which to generate improvement plans, the future task of involvement and consultation should focus on overseeing the plans for implementing change.</p> <p>It is suggested that an involvement group be formed from the disability organisations involved in the involvement programme to date. These groups should be asked to identify a member of staff and a member of their constituent group to attend follow up meetings with the JDSG.</p>

Alternative formats

This report is available in a variety of accessible formats.

To discuss your requirements please contact the communications team at Capability Scotland:

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