



# Making sure the police, courts and prisons work in a fair way for everyone

What we found out about this and what we  
want to happen next



**Inclusive Justice: a system designed for all**  
**March 2020**

# About us

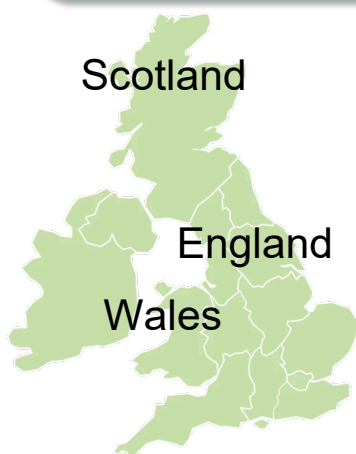


We are called the **Equality and Human Rights Commission**.



We work to make sure that everyone is treated fairly and gets their rights.

# About this report



This report is about disabled people in England, Wales and Scotland.



We looked at how disabled people are treated by the police, courts and prisons.



The work we did was called an inquiry.

This is when we look into something and ask lots of people to find out:

- What is happening now
- What should happen next



We looked at disabled adults who have:

- A learning disability
- A mental health condition
- Other conditions to do with the brain, like autism and brain injury



It may not be easy to tell that people have these disabilities.



We looked at how these disabled people are treated if the police say they have done a crime.



We looked at what happens to these disabled people before they go to court for their trial.

A trial is when a court decides if someone has done the crime or not.



Everyone who goes to court has the right to understand what is happening and to take part.

We wanted to know if disabled people are getting the right support for this.

For example:

- Support to understand what the police say, why they are going to court and their rights
- Support to take part in a trial and have their say

This report tells you what we found out and what we want to happen next.



# What we found out

1

**The police, courts and prisons are not working in a fair way for disabled people**

**And changes to the courts in England and Wales may make things worse**



Governments must do what they can to make the police, courts and prisons work in a fair way for everyone.

They must do this by law.

We found that the police and courts are not working in a fair way for disabled people with:

- A learning disability
- A mental health condition
- Other conditions to do with the brain, like autism and brain injury

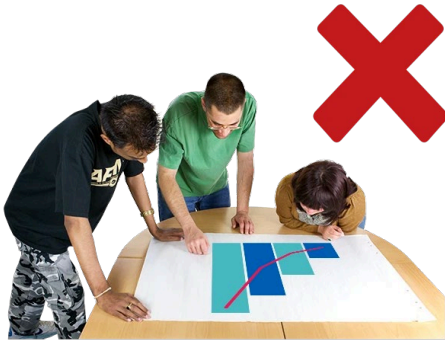




For example:

- The police and courts may use words that are hard to understand.

This means disabled people may not understand what is happening



- The police and courts may not keep information about who is disabled and what they might need



Some people don't have to go to a court.

For example, many people in England and Wales can talk to the court by video instead.

But this can cause problems for disabled people.

For example, it can be hard to hear or see what is happening by video.



## What we want to happen next



Governments in England, Wales and Scotland should:

- Get better information about disabled people who may have done a crime



- Look at how everything is working for disabled people and what they need

This includes looking at how the changes to courts are working

- Use the information to make the police, courts and prisons work in a better way for disabled people

For example, by making sure there is enough time to explain things to disabled people so they know what is happening



## 2

### **The police, courts and prisons do not always find out if someone is disabled**

There may be many reasons for this.

For example:



- Police, court and prison staff may not know enough about disability
- They may wait for disabled people to say what they need. But disabled people may not want to say



This can stop disabled people getting the support they need.

### **What we want to happen next**

There should be checks when people first get involved with the police, courts and prisons.

Staff should find out if people are disabled or need extra support.

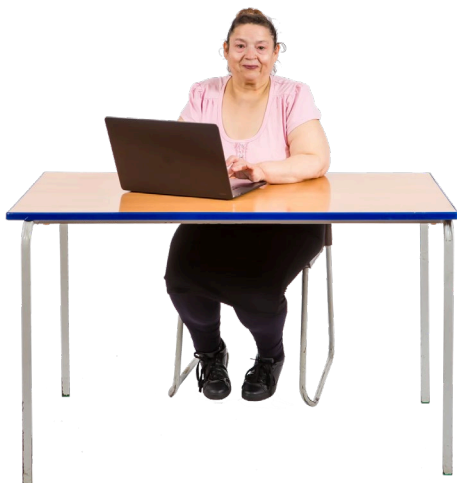
Some good work has started on this in England.





# 3

**Disabled people may not get the support they need because the police, courts and prisons do not share information about this**



For example, staff may not share information because:

- They may not have time
- People use different computer systems so it is hard to share information
- There are no clear rules about how to share information



## **What we want to happen next**

The police, courts, prisons and health services should ask disabled people if it is OK to share their information first.



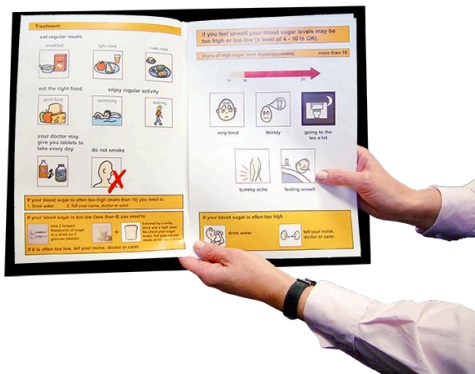
If disabled people say yes, the police, courts, prisons and health services should share the right information about:

- Who is disabled
- Any support disabled people need for their trial

Governments in England, Wales and Scotland should make this happen.

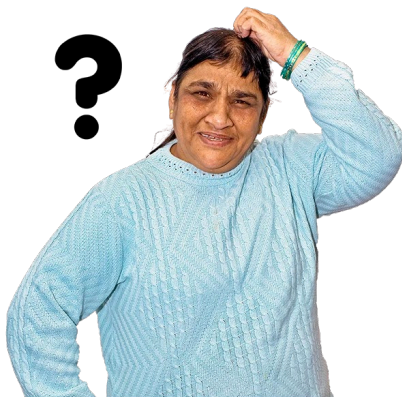
## 4

### The rules about extra support for disabled people are not working



The law says that disabled people have the right to get extra support from the police, courts and prisons if they need it.

For example, disabled people might need information in easy words, more breaks or someone to support them.



But the rules about extra support for disabled people are often not clear.



Disabled people who saw a crime might get support.

For example, they might have someone to help them speak to the police and courts.



But many disabled people who may have done a crime do not get this support.

## **What we want to happen next**

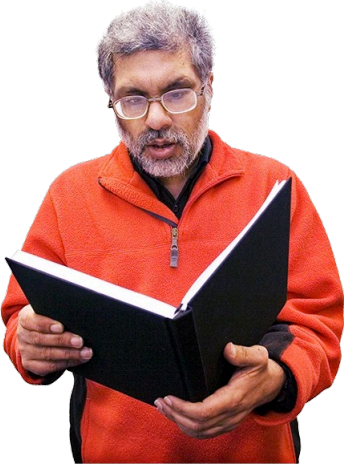
Disabled people who go to court because they may have done a crime should get extra support if they need it.



This includes someone to work with them to find out what they need and help them speak up.

# 5

## People who work for the courts might not have the right information or training about disabled people



There is some information and training for people who work in courts, like judges and solicitors.

But many people may not know about it or use it.



Many people who work in courts have not had training about disabled people and how to support them.

## What we want to happen next

There should be good information and training about disabled people and the support they might need.

The training should be for:

- Law students
- People who work in courts, like solicitors and judges



# How to find out more



## For questions about this booklet

Email:

[correspondence@equalityhumanrights.com](mailto:correspondence@equalityhumanrights.com)



Or look on our website:

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

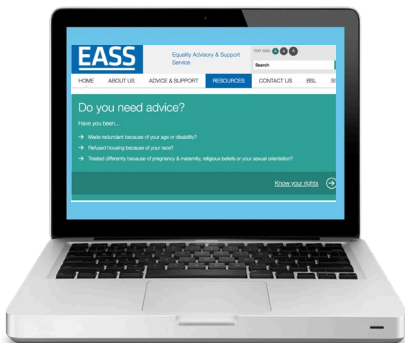


## For free information or advice about being treated fairly

Get in touch with the Equality Advisory and Support Service.

Phone: 0808 800 0082

Textphone: 0808 800 0084



They are open 9am to 7pm Monday to Friday. And 10am to 2pm Saturday.

Their website is:

[www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)



Or write to them at:

**FREEPOST EASS Helpline FPN6521**

You do not need a stamp.