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Dyslexia and Crime: the 'school-to-prison' pipeline and why it happens

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Abstract

Background: This paper is drawn from the author's wider studies of the school-to-prison pipeline, investigating how the seeds of crime start very early in mainstream education, through the lack of effective screening and assessment; and how unaware teachers make certain judgements about young children which ignore underlying existence of underlying learning difficulties. It is known that 65% of UK prisoners have a reading age of 11 years old, which questions the effectiveness of UK mainstream educational systems. It is also known that the vast majority of those with dyslexia leave school without a diagnosis.

The study: This paper takes a deep empirical examination of data regarding how those with dyslexia are screening, assessed, and supported at school. Their avoidance strategies and due to labelling as bad and naughty are treated accordingly, leading to suspension and exclusions. This often leads to alternative education provisions, where as vulnerable young people are exposed to crime and gangs. As first crimes, a cry for help, are not recognised as such, this begins to desensitise them to crime, and grifting into crime as a career due to few post-school career opportunities.

Discussion: The paper explores critical questions, including whether neurodivergence should be a mitigating factor in sentencing, how guilty pleas may be influenced, and whether alternatives to prison could be more appropriate for undiagnosed individuals.

Results: This paper does not advocate that crimes from those with dyslexia/neurodivergence should be ignored, but if arrested, such individuals are screened for learning difficulties and supported when arrested and questioned. This paper discusses hard-hitting evidence that those with dyslexia/neurodivergence have commonly been mistreated during their 12 years of mandatory education (6-18 years old), time in alternative education, time in the criminal justice system, and finally in prisons. This paper aims to raise awareness to effect change in teacher and police training regarding dyslexia.

Keywords: Dyslexia, Neurodivergence, School-to-Prison Pipeline, Undiagnosed Learning Difficulties, Educational Exclusion, Youth Crime, Criminal Justice System, Teacher Training, Police Training, Vulnerable Youth Recidivism, Prison Education

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INTRODUCTION

This paper was researched and written by a former UK school SENDCO, a special educational needs coordinator. He is also a PhD level researcher who has specialised in school-based trauma with a range of neurodiverse needs, especially dyslexia.

This paper is part of a much wider neurodiverse study investigating the 'school-to-prison pipeline', which looks at how the effects of school are a critical and crucial part of this pathway. How dyslexia is screened for, diagnosed, and all the way to support in the classroom. But, crucially how things can go wrong, what happens when this happens, and the effects and knock-on effects leading to involvement in crime and the criminal justice system.

The author wishes to apologise for focussing on the negative side of school, and what can happen to some, not all, with undiagnosed dyslexia, which can place them in harms way in mainstream education. As vulnerable young people, many with undiagnosed dyslexia can feel helpless in educational environments that focusses on that they 'can't do', rather than what they 'can'. Having undiagnosed dyslexia until he turned 14 years old, the author personally relates to the harshness of UK mainstream education, and though his research aims to raise awareness and effect change.

Dyslexia is a fascinating condition, which can be argued to be both a difficulty or disability. It is covered under disability discrimination legislation in the UK and USA, which offers protection along with other hidden disabilities such as stammering and mental illness in both educational and work environments.

As a hidden disability, it can be easily camouflaged and offers a sense of 'normality' to those struggling. However, this can be a double-edged sword as without asking for reasonable adjustments, barriers will be harder to overcome. Any disclosure offers a means to gain help, however, it can result in some individuals becoming embarrassed and can in some instances open individuals up to negativity, especially in the workplace e.g. bullying. When 'reasonable adjustments' are made in the workplace this can have a positive impact, such as technology solutions such as a grammar and spell checker, and someone to proofread letters before they go out.

Challenges at school

Children or teenagers can face numerous difficulties due to diagnosed or undiagnosed dyslexia. Some estimates suggest up to 85% of young people with dyslexia are still undiagnosed after 10 years of mandatory education (Ridley, 2023). In the main, it remains unidentified as most schools do not screen nor diagnose dyslexia. As a 'Special Education Needs and Disabilities Coordinator' (SENDCO), this author knows first-hand how dyslexia is commonly seen as lower of a priority, compared to other difficulties such

as autism and ADHD. Interestingly, school leaders perceive that class teachers are able to effectively provide for the needs of students with dyslexia. However, in a typical mixed-ability class of 30 students, this commonly is not the case.

Those with dyslexia if not taught properly can face problems in the following areas:

- ◆ Difficulties learning to read/as well as reading fluently
- ◆ Difficulties comprehending what they read
- ◆ Difficulties remembering and recalling facts
- ◆ Difficulties tying shoelaces and ties
- ◆ Messy handwriting
- ◆ Difficulties remembering sequences
- ◆ Difficulties hearing phonetics, thus spelling what they hear
- ◆ Letter reversals

To cope they may (Alexander-Passe, 2015):

- ◆ Avoid writing
- ◆ Avoid reading aloud to others
- ◆ Use smaller words that they can spell rather than the more complex words that would demonstrate their abilities and intellect
- ◆ Not correct spelling or grammar, as this will only make the piece of writing look untidy and messy
- ◆ Rely on OCD-type sequences or routines to not forget to do things
- ◆ Have a smaller circle of friends
- ◆ Rely on others to check their work
- ◆ Self-doubt of their abilities
- ◆ Try to use technology

The following may occur (Alexander-Passe, 2015):

- ◆ Avoidance of reading and writing
- ◆ Humiliation from teachers and peers
- ◆ Exclusion from social groups based on performance rather than potential
- ◆ Frustration caused by lack of differentiated/adapted teaching
- ◆ Learned helplessness
- ◆ Self-doubt

The emotional cost can often result in (Alexander-Passe, 2015):

- ◆ Self-doubt
- ◆ Depression and anxiety
- ◆ Self-harming (food, cutting, risks, drug abuse)
- ◆ Suicide and attempted suicide

One educator (Thompson, 2022a) noted: *‘Not being able to read isn’t just embarrassing for children, it can be traumatic’,* and dyslexia is a *‘Drip, drip, drip of shame’* in mainstream school classrooms. Children who can’t read feel ashamed, and he noted that *‘shame and frustration is pervasive’*. His daughter is also dyslexic and struggled to read. When his daughter was only 5 years old, he found her picking at her skin. *‘I’m picking myself apart’,* she said at the time. *‘I’m picking myself apart, so I’m not here anymore’*. School can be humiliating for a child with a reading difficulty, it’s no surprise that some children struggle with their mental well-being.

Day (2022) describes some of the challenges facing neurodivergent children within education, these can include long periods of disengagement and/or non-attendance from school; and difficulties understanding the behavioural expectations within a classroom, including verbal directions and class rules (Hughes & Peirse-O’Byrne, 2016). They note these can be wrongly interpreted by teaching staff as ‘bad’ or ‘disruptive’ behaviour, rather than indications of a child struggling to cope and function in a school environment.

The school experience of prisoners in UK prisons

This paper is interested in why many with dyslexia/literacy difficulties can be found in UK prisons, investigating if educational rejection is one of many reasons behind their turning to crime.

Quotes from prison inmates with dyslexia speak volumes about how school was for them, and why they withdrew (physically and emotionally) from mainstream education (Prison Reform Trust-PRT, 2018):

- ◆ *“I hated school. Because of my dyslexia – I don’t think they knew how to work with that. I spent the whole time thinking ‘I can’t do that’. It was only when I was older that I got into education, and I suppose I realised I could do it.”*
- ◆ *“It was the same for me. I spent the first 40 years of my life being told I can’t do anything and was stupid. That’s why receiving that letter from PET (Prison Educational Trust) saying I’d been funded; it is difficult to express how amazing that was – that someone was believing in me.”*

Several studies highlighted the various strategies used in school to cope:

- ◆ *“Dyslexia wasn’t recognised when I was at school, and I would often mess around in the classes to hide my insecurities. This would usually get me kicked out of class or even suspended on some occasions, which at the time felt better than being embarrassed by not being able to do the work.”*

- ◆ *“Over the years after leaving school, I’ve managed to create coping strategies which help me manage its effects, and although reading, writing and spelling can still be a challenge – I have discovered dyslexia does have its benefits.”* (Prison Reform Trust (PRT), 2022)
- ◆ *“When I was young, I’d struggled a lot with undiagnosed dyslexia, so had no qualifications when I came into prison.”* (PRT, 2022)
- ◆ *“I was bullied at school; I was left-handed, plus I was diagnosed with dyslexia. That may have been a reason why I didn't like school.”* (PRT, 2008)

Prisoners with undiagnosed learning difficulties had similar experiences (PRT, 2008):

- ◆ *“I didn’t like school; I didn’t understand anything.”* Young offender.
- ◆ *“I didn’t learn anything from school... I was at school from seven to sixteen years old and I still couldn't read or write when I left.”*
- ◆ *“It was better being at school than being at home, my mum was a drug abuser, and she was always in bed. She never made any tea.”* Woman prisoner.
- ◆ *“I went to a backward school between the ages of six and eleven.”* Woman prisoner.
- ◆ *“I went to an ordinary school up until I was eight years old and then I went to slow school. It was alright there; it was for people who couldn’t read or write.”*

A number of prisoners highlight their time in special or alternative education, but these seem to be due to behaviour manifestations (PRT, 2008):

- ◆ *“I went to a secondary school, but I was kicked out of there. I went into care and went to different foster homes and secure units. Then I went to a special school, it was like a bad behaviour school, but after that, I hardly went to school [at all]. I never seemed to settle down anywhere. When my dad left home the family fell apart, there was no routine and my mum fell apart and went off the rails.”*
- ◆ *“I was only there for a year then I got put in a special school. Then I went back to school for three months; I tried to burn the school down and was put into care. I was always getting suspended for fighting.”*
- ◆ *“I went to a special school; I was very unconfident and struggled with spelling and maths. When I got things wrong, I just shouted.”*
- ◆ *“At first, I went to a mainstream school, then two months into year eight they tricked me and my mum, they wanted to send me to a special school on a trial basis, but they wouldn't let me back and from there my life went mad. I started bunking off and stealing cars.”* young offender with borderline learning disabilities.

Avoidance

Avoidance is one of the main coping strategies for young people with dyslexia (diagnosed or undiagnosed), and these can include:

- ◆ Losing/breaking their pencil or pen to avoid writing in class, or writing for a class test
- ◆ Forgetting their glasses, or saying they need glasses to read in class
- ◆ Avoiding the teacher's radar, making eye contact with them, so as not to be called upon to answer questions
- ◆ Forgetting homework on purpose to avoid getting red lines drawn through spelling mistakes or being marked down for poor handwriting, relying on the teacher to forget to ask for it in the next lesson
- ◆ Using smaller words, they can spell rather than more complex words they know but can't spell – therefore avoiding the use of a dictionary and the wrath of the teacher for misspelt words
- ◆ Avoidance of tests by going to the toilet at critical times
- ◆ Avoid using a dictionary to find spellings, as it takes too long as they don't know how to spell the start of words.
- ◆ Being sent out of the class to avoid a test, maybe swearing on purpose, or hitting someone
- ◆ Being the class clown to make others laugh, so they are not seen as unable to do well on tests
- ◆ Breaking their arm, hand, or fingers to avoid writing for a longer period

Avoidance is part of a huge strategy likened to self-preservation, to maintain self-esteem, rather than be seen as of low intelligence or lazy, than stupid for not being able to spell words:

- ◆ *“Many dyslexics, if not most, are very good at creating coping strategies and adapting their day-to-day life to avoid situations in which they are hampered by their dyslexia. Certainly, the vast majority of them never become criminals. Being a Member of (the UK) Parliament, I am well aware that many members of the public think that the two are very similar. It is also true that a significant number of dyslexics will avoid any situations in which they have to read or write. If that aversion to reading and writing is severe enough to make it daunting even to fill in a simple form, they are lost. Basic literacy is essential for interacting with the rest of society, and illiteracy can be a source of immense frustration and impoverishment and, of course, a factor in crime.” (Harris, 2012)*

Before she took a job at Edinburgh University as a lecturer, Jane Kirk was the principal teacher of learning support services at a Scottish mainstream secondary school and had

worked in specialist schools in Glasgow and Aberdeen. She has seen how undiagnosed dyslexics coming up from primary school start avoiding tasks they can't cope with and become steadily more impertinent, disruptive, and destructive:

- ◆ *"They are sent out of class, then excluded for a week, then expelled. And that may be when they begin to mix with the local criminal fraternity."* (Adams, 1999)

The teacher relationship

Teachers often find dyslexic children a puzzle to teach, as they are commonly strong orally, but struggle to record their ideas on paper. This means they can often be perceived as lazy or stupid as they know the information, but are perceived to be reluctant to record it. Whilst dyslexia awareness in schools is improving, many teachers still feel unable to recognise a dyslexia child, made worse by their advanced collection of avoidance/camouflaging strategies. (Hopkins, Clegg, & Stackhouse (2016) noted participants' self-confidence was negatively affected by the way others communicated with them.

Teachers spoke to them negatively, for example in a patronising or aggressive way, due to the frustrations they experienced (Hopkins, Clegg, & Stackhouse, 2016):

- ◆ *"Certain teachers will treat you as though you are dumb and will talk to you like you're a little kid",* Youth offender.
- ◆ *"School just thinks you're dumb, you can't accomplish anything. No faith in you at all, so it just puts you down",* Youth offender.
- ◆ *"They just make you look like twats in primary school."*
- ◆ *"Teachers, they make you feel wee big, don't they?"*

Young people in Hopkins, Clegg, & Stackhouse (2016) noted disaffection with the level of support they had received from teachers. A lack of help with comprehension led to feelings of frustration, which would often lead to further confrontation with teachers and disengagement in class, a vicious cycle. Teachers became frustrated in response to participants' inability to comprehend what was said and how they responded in such situations. Young people were often embarrassed by negative comments from authority figures, mainly teachers and police. Sanger et al. (2000) argue that feelings of disrespect and inequality increased young people's conflict and aggression with authority figures.

Most young people in Hopkins, Clegg, & Stackhouse (2016) had low self-confidence concerning their educational attainment and communicative ability, due to the negative way in which others would speak to them. This supports other research findings with young offenders (Sanger et al. 2003, 2000; Bryan, 2004) and children with emotional-behavioural problems (Cohen & Lipsett, 1991; Redmond & Rice, 1998, Dishion & Andrew, 1995). As a result of low language abilities, poor behaviour, and low self-esteem, they

may find themselves excluded from mainstream education and their 'typical' peer group. This can lead to associating with peers who have also had negative experiences of school education, and regard delinquency and risky behaviour as the key to their group identity (Tanti et al., 2011; Light & Dishion, 2007).

Hughes (2015) argues that individuals with deficits have a heightened need to be accepted by their peer group, and therefore learning difficulties/disabilities increase the risk of engagement in criminality, whether it's increased vulnerability to being a victim of victimisation, or being drawn into making unsuitable choices to please and be accepted by others.

Teachers often talk about the satisfaction and impact they have had on young learners; however, the dyslexic learner is unlikely to be among those students due to their poor transfer of information from short to long-term memory. The teacher, like a parent, will feel that the hour's work to learn some facts or timetables will be well spent, until the next morning when the information has been forgotten, making the teacher or parent frustrated in the efforts made have left little or no impact, thinking '*why even bother!*'.

This is along with young people with dyslexia working hard and completing work, and then receiving their work back from teachers with red marks (some now use purple to be less dramatic) all over it for poor spelling, grammar, or presentation, but ignoring their content. How long can someone take this before giving up?

- ◆ *"I speak as a dyslexic myself. I know exactly how embarrassing and frustrating it can be to work very hard in school on a piece of work, coming up with all sorts of fantastic ideas and arguments, only for the teacher to hand it back with red marks all over it because of poor spelling or grammar. That is soul-destroying. I also know what it is like to be told that I am stupid or lazy, or both. It does not take long for someone in that situation to feel that they cannot trust their judgment about themselves or their peers and others around them."* (Harris, 2012)

Teacher perceptions are important, but these can unfortunately affect the amount of effort they will put into individual students. Criminal Justice (2022) found schoolteachers and administrators treated students differently according to their perceptions of the student's intelligence, thus giving negative labels and fewer educational opportunities to those whom they saw as less intelligent. These labels and constrained opportunities in turn produce feelings of alienation and resentment that can lead students toward delinquent peers and criminal behaviour. As such, society's reaction to intelligence, or lack of it, can lead to increased criminal behaviour opportunities. Fortunately, studies have identified this as 'Secondary deviance', as part of the Labelling theory. As Becker (1963) puts it, "*deviance is not a quality of the act the person commits, but rather a consequence of the application by others, of rules and sanctions to the offender. The deviant*

is one to whom the label has successfully been applied; deviant behaviour is behaviour people so label" (Little, 2022).

Labelling at school

Day (2022) argues from a study, that a 'typical' trajectory through education and the youth justice systems began by children displaying disruptive and challenging behaviours from Years 4–6 in primary school (aged 8–11). Being labelled according to their behaviours, many of which were 'traits' associated with various neurodivergent conditions, tended to escalate the stress and being overwhelmed by formal education environment. The 'bad' or 'naughty' label followed the child as they made the disruptive and difficult transition to secondary school. Very often, as supported by Government data (Office of the Children's Commissioner, 2021), by years 8 or 9 (aged 13–14), the child had been labelled as a 'problem child' and entered a pattern of suspensions, leading to eventual permanent exclusion from mainstream education.

- ◆ *“Eddie had been diagnosed with ADHD whilst at high school but still felt labelled according to his behaviours, which were ingrained by his teachers. Eddie identified that after being moved around several schools and acquiring a label of a ‘problem child’ and ‘class clown’, the only way he could express that he did not like school was through his behaviour, meaning more moves, placing him in a vicious cycle.” (Day, 2022)*

It was not just Eddie who described moving around several schools. This was a strong theme for most children in Day (2022). Some described being sent home and de-registered (off-rolling), as found in previous studies and reports (Gill, Quilter-Pinner & Swift, 2017, House of Commons Education Committee, 2018). The long periods of disengagement, often because of children struggling to understand the instructions within a classroom have been previously identified as a particular challenge facing neurodivergent children (Hughes & Peirse-O'Byrne, 2016). The periods of instability, disengagement and disruption tended to exacerbate challenging behaviours, placing the children in a vicious cycle of labelling, and disabling. Even when the children were placed in a specialist provision, such as a Pupil Referral Unit, the same pattern continued as in mainstream education.

Suspension/Exclusion from school and playing truant

Responses to stress and trauma are commonly known as the 'flight, flight or freeze' response (Frothingham, 2021). Those in 'fight' or 'flight' mode tend to take action to avoid or confront danger, while those in 'freeze' become immobile. In the case of those with dyslexia, it is common for many, especially school-aged boys to take a 'flight or fight' response, either truanting to avoid a test or getting into a fight to be sent out of the room by exhibiting their frustration. Either way, they are seen as having behaviour

manifestations and are punished severely for this. Alternatively, some boys become the class clown to make their peers laugh. In both ways, the aim is to retain self-esteem and not to be seen as 'stupid' for being unable to spell or read aloud in class. The mantra is 'better to be seen as funny or crazy, than stupid'. Girls alternatively tend to freeze/withdraw and can be seen to disappear in class. Peers often say that they don't see or hear them in class, and they resurface as the lesson ends. Avoiding the teacher's radar is key to their survival.

Research by the Prison Reform Trust (2008) found inmates with specific learning disabilities/difficulties were three times more likely to have been excluded from school than their comparison group of non-prisoners, 51% compared to 17%, which was found to be statistically significant. Almost 75% said they had played truant, compared with just over 50% in the comparison group. As a comparison, prisoners with possible learning or borderline learning disabilities were slightly more likely to have played truant and to have been excluded from school than non-learning disability prisoners.

The question is always what young people will do when they are truant, and whether they are truant alone or with others. The following suggests that when the novelty wears off, and they seek to do something productive which is more fun than school, they tend to increase their status through vocational activities (e.g. stealing, selling drugs etc) which seem more attractive and earn them money:

- ◆ *“Spelling tests were on Fridays, and Baraka skipped school to hide in the hallways of the housing project where he lived. By the sixth grade, he was fed up. He decided to drop out and start selling cocaine. At age 23, he was in prison for a drug offence. But after being diagnosed with dyslexia and finally earning his GED (school diploma), he said “I started viewing myself differently. When I learned to read, it freed me.” (Ankney, 2019)*
- ◆ *“Mikey took the criminal path after truanting from school. After a series of offences, he was sent down for robbing a garage. He admits he’s still bad at writing and, with other inmates at Polmont Prison, goes to basic skills classes. As well as Mikey, we meet Thomas - aged 18 and convicted four times already for house burglary. His education seems to have been a write-off. Although he was asked to leave five primary schools for bad behaviour and bullying, his learning difficulties were never examined so his dyslexia went undiscovered.” (Adams, 1999)*

Day (2022) reports on the disproportionate exclusion from the education of neurodivergent children and/or those with an identified SEND (Special Educational Needs and Disabilities) remains an ongoing challenge. It is accepted that children in England and Wales with identified special educational needs and disabilities (SEND) are at least 7 times more likely to be excluded from mainstream education than their peers (Gill, Quilter-Pinner, & Swift, 2017). In 2018-19 UK children with SEN accounted for 44% of

all permanent exclusions, and 82% of permanent exclusions in primary schools (Office of the Children's Commissioner, 2021). Children at the SEND support level at school (had SEND needs but with no additional funding set aside for their education) were twice as likely to be excluded from school as children with EHCPs (SEND needs with additional funding) and at over 5 times the rate as children with no identified SEND. This may be due to the strength of exclusion guidance, which states that head teachers should do everything in their power to avoid children with EHCPs being permanently excluded. This can lead to children, being perceived to be trouble and without EHCPs being 'off rolled' or excluded faster by schools.

Where children are excluded from mainstream education, Day (2022) argues they are typically sent to an Alternative Provision (AP) which is usually a Pupil Referral Unit (PRU). In 2018-19, one study found that 81% of UK children in Alternative Provision had an identified SEND (Office of the Children's Commissioner, 2021) however, most did not have a diagnosed need. However, despite this, there is no nationally required routine screening process in place for neurodivergent traits for excluded pupils (Healthcare Commission and HM Inspectorate of Probation, 2006). There is also evidence that after the exclusion, children are more likely to be identified as having a SEND than a child who has not been excluded. The Office of the Children's Commissioner-OCC (2021) reports that this reflects the reported experiences of parents who claim that their child was excluded because the school failed to understand and meet their child's needs. Pressure is also placed on parents to home-school such children rather than their child gaining the stigma of being 'excluded'. In 2013, the OCC found that 1.8% of schools admitted to encouraging parents to take their child out of school and home-educate as a form of hidden exclusion. By 2017, this figure had increased by 78%.

Evidence was also found by the Education Committee of Schools (in Sanger et al., 2003) that schools were deliberately avoiding assessing children with suspected SEND. Excluded children can save a school thousands of pounds, and it is more difficult to exclude a child with SEND than a child with unidentified needs. Off-rolling means that children lack the same levels of protection or support offered by the formal exclusion processes that place several duties upon a Local Authority (Timpson, 2019; Office of the Children's Commissioner, 2017). It has been argued that the system within which schools are operating appears to financially incentivise the exclusion of children with unidentified SEND needs (Gill, Quilter-Pinner, & Swift, 2017).

The 'school exclusion to prison pipeline' has been well evidenced across many studies (Berridge et al., 2001; McAra & McVie, 2010; Sanders et al., 2020; Timpson, 2019; Alexander-Passe, 2023, 2024). However, despite this acceptance, it is acknowledged that understanding the causality of offending as a linear relationship between exclusion and criminality oversimplifies what is often a complex interplay between a range of factors (Arnez & Condry, 2021; Berridge et al, 2001; Case & Hazel, 2020).

Alternative provision (AP) and Pupil Referral Units (PRUs)

The House of Commons Education Committee (2019) indicated that alternative provision is too often seen as a forgotten part of the education system, side-lined, and stigmatised as somewhere only the very worst-behaved pupils go. All pupils deserve a high-quality education, and while this is often the case, too many pupils are failed by the system, and they are not receiving the education that they deserve.

Alternative provision is a broad term and imperfectly describes a wide variety of types of school or educational settings: Pupil Referral Units (PRUs); alternative provision academies and free schools; hospital schools; and provision delivered by charities and other organisations as well as independent or unregistered schools. Children enter AP when they have been excluded from mainstream education; or are unable to attend for medical reasons; if they are pregnant or are caring for their children; or if they are without a school place because they have left a custodial placement; and as we found out if they are not in a mainstream school for other, often less legitimate reasons. In many cases, the House of Commons Education Committee (2019) noted they are pupils who have been failed by the mainstream school system.

The numbers excluded by the school have risen greatly over the last decade, by a 40% rise from 2017 to 2019, with 339,360 young people gaining a suspension and 6,685 being permanently excluded in 2019. Newer data by the Department of Education (2024) reported that there were 787,00 suspensions in 2022-23, and 9,376 permanently excluded in the school year 2022-23. This is a huge rise in suspensions, from 578,280 in 2021-22 to 786,961 in 2022-23. Investigating the 2022-23 data, persistent disruptive behaviour accounted for 48% of all suspensions and 39% of all permanent exclusions. Disruptive behaviour and education disaffection by those with undiagnosed/unsupported SEND needs are argued to be correlated.

The House of Commons report (2019) noted that many excluded were due to behaviour concerns, but the research also points to the majority of those excluded as having undiagnosed special educational needs upon referral, suggesting the young person's behaviour was the result of undiagnosed and unsupported special educational needs, hence why the House of Commons Education Committee (2019) argues that APs are full of "*pupils who have been failed by the mainstream school system*". They also found that schools reported it was harder to exclude a child with SEND, so left them deliberately undiagnosed for ease, indicating an inability or unwillingness to identify problems and then provide support, starting from a very young age (sometimes year 4, being 8 years old). So, they arrive at AP with unidentified and unmet needs.

The House of Commons Education Committee (2019) also found evidence that schools were off-rolling (removing) children from their school census, these tended to be those with unmet SEND needs who manifested through poor behaviour. This allows schools to

promote attainment data that is favourable for league tables, camouflaging the real need in their cohort.

APs also noted an increase in children being referred to them with mental health needs, this can also be the result of unidentified or unmet in mainstream education. It could be argued their behaviour/mental health needs were secondary manifestations of underlying undiagnosed SEND.

Being bullied at school

Those with dyslexia can easily be classed as 'vulnerable', lacking the ability to reliably read, write and advocate for themselves. They are commonly, from a very young age, put on the learning table for the slowest children, given a cute name e.g. the purple or ladybird table, and labelled as 'lazy or stupid' by teachers and peers, and other children seeing this vulnerability as 'ripe' for bullying in the playground and classroom.

Reasonable adjustments for exams

Schools often offer extra time, a scribe, or a reader to lower-attaining students. However, schools very rarely offers training to these students to make the best use of such allowances. Due to the role of status, many who need it the most will not use such allowances, especially if they are taking the test in the same room as their more able peers. The author is a qualified examination access assessor and finds many schools do not screen all students to see if they need such extra allowances, only the small group who have severe needs are assessed. In this author's previous schools where he has taught, he screened all students in both year 7 as they enter the school, and then again in year 10 for examinations, this means barriers to learning are supported earlier.

Educational disenfranchisement

The role of the school teacher is to differentiate and adapt the school curriculum to the needs of each child in their class. However, in mainstream UK schools, this can be up to 30 learners of mixed abilities e.g. high, medium, and low abilities; students with special educational needs, gifted and talented, 'pupil premium' from low-income families, new to English, and in local authority care. This concept of supporting the needs of each learner in their class may seem utopian, however, it is legislated in the UK as part of teacher professional standards but is rarely achieved even by the most experienced teachers.

Typically, those with dyslexia will manifest a significant difference between their verbal to written abilities, which leads to them struggling to demonstrate their true abilities on paper. Unfortunately, we live in a society and especially a school system that makes judgements on a person's abilities, based on their written output e.g. GCSE examinations are written-based. This causes a conflict in the eyes of adults, especially teachers who

perceive young dyslexics as 'can't be bothered' to translate their great oral ideas into written essays or homework, and therefore labelling them as lazy.

Based on their written ability they are placed in academic sets which are far lower than their intelligence/ability (if measured from their oral responses to questions), and so their peer group is usually those who are of lower ability and who commonly feel disenfranchised (feel rejected) by school. Schools do not tend to grade oral responses, and even giving extra time is not a true 'reasonable adjustment', since giving a student more time is not going to help them spell a word correctly or know where to correctly place punctuation.

Therefore, the high-ability young people with dyslexia are stuck in lower-ability sets, and they can soon become disenfranchised, when they see that others are messing about rather than learning, they follow suit. They follow their peer group who also do not enjoy school, so begin to avoid tests and truant, as school is unsuitable for them – so voting with their feet! Young people/teenagers are highly influenced by their peer group, who are more trusted than parents, so will follow them wherever they go and whatever they do. Mixing socially with these individuals will also place them at higher risk of criminal activity.

Gangs and the wrong crowd

Those with difficulties such as dyslexia or low ability will struggle in mainstream educational settings, no matter how hard they try. Threats by parents/teachers to work harder (e.g. punishment for bad grades) will only push them away and disengage them, and they will seek others, namely their school peer group, for friendship and mentoring. All young people are impressionable, and friends have huge influences on them, which commonly translates into their behaviour, and how they react to their environment.

The young dyslexic will seek role models, and when parents and teachers are unable to fulfil this role, as they tend to focus on what the young person 'can't do'. The young person will seek alternative peer groups and role models for moral and emotional support, mainly drawn by those they mix with at school, likely to be others disenfranchised by education and placed in the lower sets for learning.

For example, if their school peers are going out for the evening, this group may mess about riding their bikes and if one person brings alcohol or drugs, they can be sucked into experimenting with them, and apart from being at risk of addiction, can lose their inhibitions or feel peer pressure for acceptance, and do acts which they would not normally be consensual to do, such as petty crime e.g. stealing from shops, mugging, or property damage such as graffiti and damage to cars.

The wrong crowd can have an immeasurable influence on young people, and this author

has personally experienced what can seem like a trip to a harmless club with friends can turn into dropping off someone at a car which has been targeted for stealing, for them to re-join the group later with extra spending money – normalising criminal actions.

Escapism (depression, self-harm, substance abuse)

Many young people with dyslexia feel alone in their troubles, feeling that no one else has similar problems to them at school, socially, and in their own families. They feel there must be something wrong with themselves, as everyone else seems 'normal' compared to them. Interestingly, if parents acknowledge their own school and workplace difficulties (as dyslexia normally runs in families), then the young dyslexic, even undiagnosed, can feel they are alone and misunderstood.

The young person in the lowest classes at school will also be commonly socially excluded from groups they aspire to, as schools are a collection of social clique groups e.g. geeks, swots, sporty, girly-girls etc.

The 2000 report on Doncaster Prisons by The Cascade Foundation indicated 85% of those with dyslexia, suffered from school-age mental health issues, underlying high levels of depression, poor self-esteem, and lack of confidence (Hewitt-Main, 2020).

A young person with dyslexia may feel socially excluded, as they may struggle to know the right thing to say or be unreliable with sports or social activities e.g. unable to pass a football, catch a ball, not being on time and at the right place. This social exclusion, along with helplessness at school for their academic work, can mean they can develop self-protective conditions such as depression, anxiety, and other emotional and mental health difficulties. This can often lead to escapism, to regain a sense of control, sometimes with the use of drugs, alcohol, self-harming, and risk-taking activities. However, such habits can themselves lead to pathways to crime, enabling them to buy drugs or alcohol on an ongoing basis.

The knock-on effects of mental health difficulties are seen in the broader youth offending and prison population, with a lack of awareness by service providers and, thus a lack of provision being offered.

A Youth Justice Board project in 2005 investigated a random sample of 100 young people subject to a detention and training order or those deemed at risk of offending and involved in a youth inclusion program (Arad Consulting & Evans, 2009):

- ◆ Over 66% had been in local authority care at some point
- ◆ Nearly 33% had mental health difficulties
- ◆ Just over 50% had been dependent on a substance

First crimes

First crimes are often gateways to more serious offences, commonly starting out as dares and as the individual is not immediately being caught or punished; this can quickly desensitise them to such offences, leading to an increase in more risky crimes. Like drugs, smaller crimes can be a gateway to more advanced crimes. It could be argued the adrenaline rush is like that of stimulant drugs. To regain the same rush, you need greater crimes or risks, or more powerful drugs to achieve the same level of adrenalin. First crimes can vary according to location, in some cities stealing is a gateway crime, in others, it's dealing or couriering drugs around the country (called country line crimes).

The young dyslexic can revel in the praise they gain from their peers from activities with nothing to do with reading, writing, or spelling. The praise from their peers is based on what they 'can do' rather than what they 'can't do', and this can be elating compared to the embarrassment of being laughed at for what they 'can't do' at school. Parents and teachers can find this hard to understand, as they are never likely to have faced failure on an hourly and daily basis, in tasks and skills that they perceive as basic.

The Office for National Statistics (2018) found young people commonly (86% of violent incidents), commit crimes towards pupils at their school, such as towards a friend (including boyfriend or girlfriend) in 13% of incidents. This supports the concept that committing a crime can be status-based, related to seeking retribution against those who have bullied them, maybe for their perceived low academic ability.

A misread cry for help

It is a reasonable hunch to suggest that students with specific learning difficulties are likely to have lower language skills, and a cry for help can be more physical, as they lack the words to say what's needed, which can get them into trouble at school and may lead to referrals to youth offending teams. In many ways, this is like a baby crying and parents being at a loss as to what the baby needs (change of nappy, being hungry, or tired) (Thompson, 2022c):

- ◆ *“Students with learning disabilities or behavioural health issues may also unwittingly commit a crime while acting out of frustration. If observed at school by youth offending team staff... those crimes get elevated to the juvenile justice system, Fogg said. “Once you enter the system, you're a delinquent or you're known to be ‘in juvie’ or ‘in court,’”*
- ◆ *“And I think we often overlook the traumatic experience of labelling them. Often it starts a trajectory of ‘Oh, I'm bad, and this is now the path I'm going.’”*

Research by the author into dyslexia and suicide found that the reported levels are very low, however under investigation, only suicides where the individual has left a suicide

note stating dyslexia as the cause, would it be recorded. Lacking the ability to write a letter describing their pain is unlikely with a person with dyslexia, so the causes of such suicides will remain unknown.

Fogg from Disability Rights North Carolina (Thompson, 2022a) explained that some of the most common complaints children with disabilities come to her with are crimes like making threats against the school or school officials:

- ◆ *"It's a cry for help"*
- ◆ *"Making some completely outlandish statement that they know is going to get the attention of the adults in their world, because that's how high their anxiety has gotten."*

For many students with disabilities, a school is a place where they can be humiliated and frustrated. It's a place they dread going to, Fogg said. If they know they can be suspended by acting out, they might do so on purpose:

- ◆ *"They're trying to get out of that school environment, which is one of the reasons that we argue against suspension" Fogg said. "It's encouraging that behaviour, even though that may not be immediately obvious."*
(Her Majesty's Prison and Probation Service and Ministry of Justice, 2022)

Children can manifest behavioural problems as they struggle at school. Schools tend to punish poor behaviour, but rarely ask about the reasons behind it, which might be due to teasing or bullying, being called 'lazy or stupid' in a class by their teachers, often translated by peers to mean a child is a vulnerable and easy prey. This could be a 'fight' response to stress and anxiety when they hit back at bullies.

Status and Crime

Patterns began to form in this investigation, to explain the types of crimes undertaken by those with dyslexia. It could be argued they are status-based, as in the classroom young dyslexics feel inferior and this can make them feel frustrated and angry, thus the young dyslexic can turn to crime to rebalance this status quo, placing them in charge, in a powerful position.

As one ex-criminal interviewed for this investigation noted, whenever they were belittled by teachers and their peers, they made sure that as soon as they got out to the playground they would bully or beat someone up, as a result, to retain their status in the classroom.

Status plays a big part in the crimes chosen: stealing, robbery and violent crimes being a visual demonstration of their prowess, like a lion being the king of their pride. Many

dyslexics will choose to manifest their frustration through overtly behavioural means, like being the class bully or the class clown. Much of this comes from their inability to attain status through academic endeavours, so they use their other skills to do so. In psychological terms, this is choosing the 'fight' reaction to stress, compared to flight or freeze.

Drug dealing could also be status-based, giving a sense of power - having a valuable product that others require, and choosing who to sell to and who not to.

- ◆ *“They feel dumb,” Delano-Gemzik said. “They feel frustrated, and they’re using that behaviour outside of school to win back power and self-definition.” (Thompson, 2022a)*

Leaving school without adequate qualifications

Individuals with dyslexia frequently struggle academically and leave school with few or no formal qualifications. This comes from the school's focus on reading, writing, and spelling, mainly in formats which are inaccessible to many, especially those with literacy difficulties or dyslexia.

Qualifications, such as GCSEs for young people, are gateway qualifications towards A Levels, BTECs (vocational courses), and college courses, and then hopefully university degrees or apprenticeships leading to professional qualifications. The lack of these will mean the opportunities open to young people will be dramatically reduced.

When one talks about gateways to crime, lack of qualifications is one such risk factor (Prison Reform Trust, 2008):

- ◆ *“I have been on benefits ever since I was a little kid. I filled in a form for McDonald’s, but I never got an interview. I painted, but that was an illegal business. I looked for a job, so I didn’t get into trouble on the outside. I was on income support, but I wanted a job, but the careers advisor said I was incapable of working. They gave me a test, but I couldn’t do it. I used to have blackouts and they put me on Valium.” Young offender.*
- ◆ *“I did bricklaying and gardening part-time. I was on benefits sometimes as I couldn’t get a proper job because I couldn’t read or spell. Then just before I got arrested, I got a job in a factory filling dolls and soft toys.” Young offender.*

If all your friends at 16 years old gain 5-10 GCSE passes and either continue at school or go to college, but you only have an entry-level or a level 1 qualification in English and Maths; your choices are much reduced or are minimal. Your school may ask you to leave, as they do not offer courses that interest you, or are not at the low entry level you can access. Or as some do, suggest which courses you can do, even if they are unsuitable for

you, for the school to continue to gain government funding. It would be normal to be angry and resentful.

Were you supported with your learning difficulties? Were the courses offered at 14-16 years old relevant? Who should your anger and resentment be targeted at? The teachers, the school, or society and their rules? How do you deal with your anger, do you set fire to the school, or let down your teacher's tyres?

Resentment and anger are some of the simmering reasons why some young people turn to crime, to rebel against a society they perceive has excluded them. The professionals have let them down, so burning down their school buildings could be perceived as valid retribution, and this can inevitably lead to a criminal record. No one cares for the reason behind the crime, it's the crime that is punished and any resulting criminal record will last a lifetime, affecting getting jobs, and applying for loans and credit cards. Sadly, teenagers and young people are naturally ego-centric, living for the moment with few thoughts about the implications.

Post-school alternatives

In the UK it is a legal requirement to continue education until a young person is 18 years old, therefore there are four main alternatives for young people at 16 years old, the age when they have completed their secondary education:

- ◆ Stay on at school and study for A Levels
- ◆ Stay on at school and study for BTECs
- ◆ Leave school and go to college to study for a range of level 1 to 3 courses
- ◆ Leave school and go into an apprenticeship to learn a trade

The above options depend on the qualifications gained at 16 years old. Some with dyslexia, diagnosed or undiagnosed, will gain enough qualifications at GCSE (5 or more grade 5-9 passes) to move onto A Levels and BTECS, finding college a more relaxed environment than school, being seen as succeeding at school, but in real terms scraping passes – so surviving, not succeeding at school. They tend to work much harder than their peers, but their results do not reflect their potential if they were allowed a scribe to record their examination (having a scribe for examinations would remove all barriers such as handwriting, spelling and grammar structure).

For young people who have not gained such entry-level qualifications, traumatised by school, the choices are much reduced, and therefore question any form of learning, due to the previous negative experience leading to school disengagement, so may leave for college, which is generally part-time, and look for alternatives (part-time jobs). If the young person is aware of their strengths, generally in vocational subjects, as in my case, then they will choose a specialist course which embraces these skills (this author

went to art college as he was unable to study for A Levels, so his own options were very limited). Commonly the young dyslexic, generally undiagnosed, will be unaware of any strengths they have and look for alternative means to develop careers. Hanging out with their peers from the classes they were in at school, will tend to mean being surrounded with lower ability students and immersed in the activities they will be involved with, which may be around alcohol, drugs, and mischief-making to gain kicks. With too much free time, now not in full-time education, these will be unlikely to be positive role models for the young dyslexic who is struggling to make sense of their life, and what the future holds for them.

At this stage, the young dyslexic is very susceptible to mixing with gangs and peers who are highly materialistic and will crave the latest clothes and technology of their friends for status. The move towards driving age will mean that cars will become status symbols, and the need to own a nice car is perceived as the means of attracting partners for social-sexual encounters. Ownership will mean for those without a job and the means to earn, a pull towards stealing cars.

The young dyslexic will crave earning money, but without the GCSE qualifications will struggle to gain employment, for example in a fast-food chain industry (entry requirements are GCSE grade 4 in English Language, Maths, and preferably ICT).

At this point, turning to crime to earn enough to live, can be seen as a viable and sometimes only logical solution for those who may struggle to gain employment or an apprenticeship to learn a trade. Research at Doncaster Prison found in (Hewitt-Main, 2020) that 71% of inmates were unemployed before entering prison, which reflects their inability to gain employment due to poor examination grades at 16 years old.

Drifting into a life of crime

Young people tend to start with smaller crimes which may start as a dare from their peer group e.g. stealing from newsagents (National Society for the Prevention of Cruelty to Children-NSPCC, 2022). This can escalate into bigger crimes, especially when the need comes from servicing a drug addiction, or peer pressure, this can be termed as 'criminal exploitation' (NSPCC, 2022). Stealing from a parent or mugging someone to service a drug habit can become seriously dangerous, especially if a weapon is used, and this drift into crime can also be linked to a greater need for more money to feed an ever-increasing drug habit. Moving from lighter to stronger drugs, as the need to feed the habit becomes stronger and stronger, with increasing mood swings can lead to 'grievous bodily harm' (GBH) to others. This can mean their behaviour is more erratic which can cause relationship breakdowns (e.g. with family and friends), to the point parents tell young people to leave home.

The NSPCC (2022) describe how young people are recruited into crime:

- ◆ Peer pressure and wanting to fit in with their friends
- ◆ They feel respected and important
- ◆ They want to feel protected from other gangs, or bullies
- ◆ They want to make money and are promised rewards
- ◆ They want to gain status and feel powerful
- ◆ They've been excluded from school and don't feel they have a future

The NSPCC (2022) also highlight the dangers of criminal exploitation can include:

- ◆ Being subject to threats, blackmail, and violence
- ◆ Being exploited and forced to commit crimes
- ◆ Being arrested, including for crimes committed by the gang that they have not directly committed under the law of joint enterprise
- ◆ Not being able to leave or cut off ties with the gang
- ◆ Having their safety or the safety of friends and family threatened
- ◆ Risk of physical harm, rape, and sexual abuse
- ◆ Risk of emotional abuse
- ◆ Risk of severe injury or being killed
- ◆ Abusing drugs, alcohol, and other substances
- ◆ Long-term impact on education and employment options.

The move to stealing cars increases the risk level and the enjoyment of the crime, and lastly also increases the amount earned from each crime. However, such visual crimes are the ones with a higher rate of arrest, conviction, and gaining custodial (prison) sentences.

Where the young person does not have a job, whilst criminal activity may feed a drug habit, it is also commonly needed to pay for rent, food, and their social life. The need for more and more money will drive young people to go bigger and bigger in their crimes, commonly involving guns and knives. The higher monetary gains from crime can be addictive, like a drug. Likewise, the high from betting can also drive young people to steal to feed borrowing commitments, which becomes an addiction. It's a never-ending spiral, dangerous, with an increased risk of criminality.

The status gained from criminal vocational endeavours can drive the adrenaline rush to continue the crimes, proving they have self-worth and can gain money through robbery, and purchase the items that they feel they should have in life, reflected in the social media they view. Each crime they are not arrested for develops a sense that they will never get caught, feeding the lowering of their inhibitions to greater criminal endeavours.

From the author's interview with fellow dyslexic Jackie Hewitt-Main, the founder of the innovative and successful Cascade Project at a Doncaster Prison (there is more than one), resulting in the 'Dyslexia Behind Bars' report (Hewitt-Main, 2020). She notes from her work with prisoners a common theme merged:

- ◆ *“It is much easier robbing a supermarket than asking for help to read the labels, therefore crime is seen by some to be the easier way out to gain the same result. The humiliation felt asking for help to read food labels is huge in those with reading and writing difficulties.”*

A first offence rarely leads to arrest, unless you are caught committing a very serious offence, such as murder. Speaking with a career criminal, they began stealing at a very young age, 6-7 years old, after being sent out to shops to buy items for their parents and stealing a chocolate bar when the shopkeeper wasn't looking. At 11 years old they were sent to a home run by social services rather than being sent to a youth offenders' prison for breaking crimes but subsequently went to a youth offenders' unit after further crimes which included stealing cars and armed robbery. In the UK, 10 years old is the age of criminal responsibility, so a 5-9 year old child can not be arrested and charged with crimes.

- ◆ *“When dyslexics experience lack of appropriate support from their early years, this can lead to poor reading, writing and number skills, low self-esteem, frustration, anger, truanting or exclusion from school and poor employment prospects.... all of which play their part in the climate of offending.”* Magistrate and Dyslexia expert (Thompson, 2022a)

DISCUSSION

As part of the wider study, several questions were posed:

- ◆ Why are there so many in prison with dyslexia/neurodivergence?
- ◆ Why would someone with dyslexia/neurodivergence get involved in crime?
- ◆ Are all dyslexics/neurodivergent individuals in prison guilty?
- ◆ Why would a person take a guilty plea if they are innocent?
- ◆ Would a dyslexic/neurodivergent person fare better being heard at a trial?
- ◆ Mitigating circumstances (also known as extenuating circumstances), what are these?
- ◆ Should dyslexia/neurodivergence be taken seriously as a mitigating circumstance?
- ◆ If someone with undiagnosed dyslexia/neurodivergence commits a crime, shouldn't they be sentenced?
- ◆ What would be a suitable alternative to a prison sentence for someone with unidentified learning difficulties/dyslexia/neurodivergence?

Why are there so many in prison with dyslexia/neurodivergence?

Most of those with dyslexia/neurodivergence did not know they were before they entered prison, which in part answers the question, so if they were unaware they were dyslexic/neurodivergent, then the police and criminal justice system also were unaware. In addition, it would also suggest that they were not assessed at school and given the help they needed to avoid choosing offending. So, leaving school with no paper qualifications and having no route to vocational training for non-criminal employment, is termed the 'school to prison' pathway.

Why would someone with dyslexia/neurodivergence get involved in crime?

Research suggests that many young people with learning difficulties (not just dyslexia) are not screened during their 11 years of mandatory education (5-16 years old) and therefore struggle to access learning. This means they are likely put in the lowest ability classes and mix with delinquent children who are more likely to get involved with crime. These place undiagnosed, struggling, easily influenced young persons in a vulnerable position and likely to be sucked into crime through association. Criminal gangs will judge them on what they 'can' do rather than what they 'can't', as experienced in school. This reinforces the idea that society is against them, and they are rejected from mainstream education, employment, and society.

What types of crime do those with dyslexia/neurodivergence people get involved with?

It is suggested that those with dyslexia and other learning difficulties are drawn towards crimes that do not require literacy, however, there are few research projects to support such a hypothesis.

In one of the few UK studies, noted in Furlong (2018), the Healthcare Commission and HM Inspectorate of Probation (2006) compared the self-reported anti-social behaviour of young people with learning disabilities to non-learning-disabled adolescents. They found that young people with learning disabilities reported significantly higher numbers of anti-social behaviours, which included stealing valuables, stealing in the street, property damage, bullying, use of weapons and fire setting. Consequently, this resulted in a higher proportion of adolescents with learning disabilities reporting that they had been involved with the police. This had a relatively small sample of 98 participants, using self-reported questionnaires, so results should be viewed with caution.

Are all dyslexics/neurodivergent individuals in prison guilty?

A very good question, and the evidence regarding 'fair trial' and especially 'plea bargains' may suggest that many in prison with dyslexia/neurodivergence may have

been misled into accepting a guilty plea, and therefore did not gain a fair trial.

There is also evidence to suggest that at the point of arrest and subsequently questioned, their learning difficulties were unknown, and therefore they were not afforded the support needed, and due to their difficulties e.g. being unable to account for themselves on specific days and times, they were deemed to be guilty by default and offered a statement to sign that they were unable to read and understand. They were signing away their innocent plea, without fully understanding their rights.

Her Majesty's Inspectorate of Prisons and OFSTED (2022) suggests that over 50% of the prison population have a reading age of below 11-years-old (10-years-old is the age of being capable/liable for one's actions in the UK) so it could be argued they were unable to read any statement given to them and would struggle to understand any legal documents presented to them. Therefore, failing the Pritchard Test of competence, the fitness to stand trial, but were still charged for crimes (McConnell & Talbot, 2013).

Why would a person take a guilty plea if they are innocent?

Fair Trials (2022) argue that due to the shortage of legal aid lawyers (paid for by the state) and many arrested only having 20-30 minutes of legal representation before facing a judge, and they are told that apart from having a reduced sentence (by a third) if they plead guilty, their prison term will start on day one. These are strong incentives being provided to accept a guilty plea even if a person is innocent.

Once a person has signed a guilty statement after being questioned, without the support required of someone with learning difficulties, it is much harder to go against such a statement.

Accepting a guilty plea can be argued to be:

- ◆ Cheaper where a person is not entitled to legal aid
- ◆ Easier for the family (not going through a long-drawn-out court case)
- ◆ Allowing their sentence can start on day one

It is said that being on remand, which is waiting for a court case, you have fewer privileges in prison, it is harder to start any prison jobs or training, and frequent changes in prison are emotionally very hard. Research suggests many with autism/ADHD and dyslexia plead guilty when they are not, Helm (2021) asked 90 legal professionals if they felt their clients were guilty, as 73% of defendants pled guilty in the Crown Court from January to March 2021, and 75.1% pleaded guilty in 2020. The results from the study indicated a wide variation, from less than 1% to 20% pleaded guilty when the legal professionals perceived were not. This may have been from misplaced pressure from parents and other legal professionals. Helm (2021) noted:

- ◆ *“I think that they are more likely to plead guilty to avoid giving evidence at trial.”*
- ◆ *“It is difficult when dealing with vulnerable young people and often they are accompanied by a parent or guardian who will have more input in any decision they make.”*
- ◆ *“Clients with ADHD or Autism need very careful advice because the nature of the disorders means that clients can be both entrenched and very suggestible. In my experience pleas have been mixed.”*
- ◆ *“Often they enter early guilty pleas and have not been properly assessed and given adequate measures to ensure effective participation.”*

The Human Right Commission (2022) found in their report of 130 research participants:

- ◆ 49% of professionals responding to our survey in England and Wales felt that disabled defendants would be more likely to plead guilty if they did not receive adjustments
- ◆ 50% said that without adjustments, disabled defendants would be less likely to be granted bail

Would a dyslexic/neurodivergent person fare better by going to trial?

At present learning difficulties are not perceived to be 'mitigating circumstances', therefore they will not gain the special considerations they need due to their difficulties (Day, 2022).

It is also argued that due to learning difficulties, many with dyslexia/neurodivergence struggle would struggle understanding a complex court situation, and their disengagement is viewed poorly by judges, as detailed in this book.

The lack of understanding in court, of learning difficulties, along with such individuals avoiding disclosing they are unable to read and write to a court, due to fear and embarrassment, means they would be unlikely to gain a fair trial, and so gain a longer sentence.

If there was screening at the point of arrest, and support during the process and into the courtroom, then I believe they would fare better going to trial.

Mitigating circumstances (also known as extenuating circumstances), what are these?

These may include (Cohen and Lipsett, 1991; Redmond and Rice, 1998):

- ◆ More provocation than normally expected
- ◆ Mental illness or disability (understood to be a physical disability)

- ◆ Youth or age, where it affects the responsibility of the individual defendant
- ◆ The fact that the offender played only a minor role in the offence
- ◆ The defendant has no prior or significant criminal record
- ◆ The defendant played a minor role in the crime
- ◆ The defendant recognised the error of their ways
- ◆ The defendant making restitution to the victim of their crime
- ◆ The defendant acting out of necessity
- ◆ The defendant has a difficult personal history
- ◆ The defendant struggling with a drug or alcohol addiction

It is argued that dyslexia, like those with neurodivergence is a 'learning difficulty' and whilst is covered under equality legislation, they are not commonly seen as 'disabled' (Gramann, 2022), stereotypically seen as having a physical disability. Dyslexia is one of many conditions which are covered under the 'hidden disability' umbrella. The United Nations (2011) concludes there are more individuals with a hidden disability than those with a visual (seen) disability, and there is a challenge for society to recognise those with an invisible disability/difficulty.

Should dyslexia/neurodivergence be taken seriously as a mitigating circumstance?

The 2019 United Nations Convention on the Rights of the Child (UNICEF, 2019) argue that children with dyslexia/neurodiversity “*should not be in the child justice system at all*”, so should only go to prison as a last resort, and that support in the community (e.g. Community Orders) therefore educationally based, is a more suitable provision for those who have committed a crime due to disabilities.

This recognises the lack of educational opportunities and the lack of screening in both mainstream education (schools) and the youth justice system. Supporting this is the evidence that of those referred to Pupil Referral Units (PRU), in one 2017-18 study (Gormley, 2022), 81% could be newly diagnosed with a SEND, suggesting that schools had missed their core SEND needs and only treated their manifestations of frustration (their behaviour) and excluded them as a result. Evidence also suggests schools know that if a child may have a SEND, it would be harder to permanently exclude, so will deliberately not assess for such needs.

The UK's Office of the Children's Commissioner (Gormley, 2022) recommended that The Sentencing Council for England and Wales should ensure that sentencing guidelines take account of the relevance of neuro-disabilities to criminal behaviour and the efficacy of potential sentences and interventions, including the potential impact of difficulties with reading, processing and memory, maturity of judgement, impulsivity, and an understanding of the perspectives of others. More recent evidence suggests this recommendation has not been put into action.

Can those with dyslexia/neurodivergence meet the conditions of their sentence, to be released?

To gain release from prison, inmates must evidence that they have been rehabilitated and have undertaken various educational or training courses whilst in prison. Most prison courses are Level 1 and above, requiring entry requirements of the ability to read and write. As evidence also suggests that over 50% of the prison population have reading ages below 11 years old, it seems clear that most with dyslexia will struggle to meet the conditions of their probation board. This has resulted in many remaining in prison beyond the terms of their sentences and is in a state of flux (with no movement possible). Only through the intervention of The Shannon Trust, a voluntary organisation, can they have any chance of gaining release. Thus, most of the courses available can be argued to be both inappropriate and discriminatory for most inmates.

- ◆ *“Having had multiple failed attempts to satisfy the criteria for his release, Charlie [a person in their study] struggled to comply with the progression requirements for those serving long-term sentences.” Prisoner (Gormley, 2022)*

If someone with undiagnosed dyslexia (or neurodivergent) commits a crime, shouldn't they be sentenced?

The simplistic and logical answer is 'yes', if they committed a crime they should be tried for their crimes. However, 'mitigating circumstances' could argue that they had experienced systematic failure (systemic and institutionalised discrimination) throughout their life, in both primary and secondary education where their needs had not been identified and supported:

- ◆ Schools had seen their poor behaviour and understood it as purely misbehaviour, and not a manifestation of continual school failure or an underlying learning difficulty.
- ◆ Dyslexia diagnosis tends to come from educational psychologists, but schools see dyslexia as a lower priority than autism and ADHD, so will tend to not diagnose dyslexia.
- ◆ The lack of specialist dyslexia/neurodivergence advisers from local educational authorities means there is a lack of specialist knowledge available to schools.
- ◆ Numerous schools dismissed any lack of academic progress as laziness.
- ◆ Any increased misbehaviour which probably led to them being excluded and sent to an alternative provision/pupil referral unit at a young age was due to increased frustration of being made to attend a school where they lacked the skills and abilities to access the curriculum, and help was unavailable.
- ◆ Their frustration and being grouped with lower-ability peers in school, meant they mixed with the same crowd outside of school, saw them as a more

suitable family unit than their own, and followed them into first petty and then more serious crimes, which ultimately led them to now being arrested for a crime.

- ◆ Alternative provision/pupil referral unit failed to identify the root cause of the misbehaviour, so placed them, as vulnerable and easily influenced, in a unit with delinquent young people, so the jump into criminal activity could be inevitable.

It could be argued that such undiagnosed dyslexic/neurodivergent individuals were let down and failed by schools, and after 12 years of mandatory education left without the skills and abilities to read, write, and spell. Also having few or no paper qualifications to their name, they are unable to join a skills-based college course to gain career training, for employment that would be high enough paid to satisfy their living needs.

Judges can use 'Diversion', which means sentencing an individual to have a 'Community Order' which can be linked to completing both educational and training courses. In the case of those with dyslexia, especially those unidentified or identified but not helped at school, this could be argued to be a more appropriate provision, which will lessen the chance of reoffending, the aim of rehabilitation, and gain the skills for possible future employment. It can also mean the individual can avoid gaining a criminal record which may affect future career choice/employment prospects.

What would be a suitable alternative to a prison sentence for someone with unidentified learning difficulties/dyslexia?

The Crown Prosecution Service (CPS) has a range of options for those who have committed crimes but are unsuitable for prison, these can include 'Community Orders' allowing them to be linked to (National Offender Management, 2014):

- ◆ Unpaid work
- ◆ Activity (including education, training) e.g. to learn literacy/numeracy or gain a vocational skill
- ◆ Programme (group or individual programmes tackling the causes of the offending behaviour)
- ◆ Prohibited activity
- ◆ Curfew
- ◆ Exclusion (from a specified area or areas)
- ◆ Residence at a specified place
- ◆ Mental health treatment
- ◆ Drug rehabilitation
- ◆ Alcohol treatment
- ◆ Supervision (involving regular appointments with a probation officer)
- ◆ Attendance centre (for 18 to 24-year-olds; addressing offending behaviour in a group setting)

It is argued that a 'Community Order' would provide the support needed for an individual to gain the assessment, skills, and abilities to choose a career away from crime and to gain a suitable and fulfilling career which would allow them to succeed in life.

Boughey (2022) draws on the need for young neurodiverse people to help avoid them being sent to prison suggests the use of Secure Children's Housing (SCH's), which employs staff who have been trained for the educational and therapeutic provision of neuro-diverse young people (The Howard League for Penal Reform, 2017). Secure Housing/schools would provide appropriate rehabilitation of young offenders with learning difficulties and provide them with the education that they may otherwise miss out on if placed in a Young Offenders' Institution (Bateman, 2016). These schools would also ensure that disabled young people are supported properly in a setting where lessons are compulsory and non-avoidable (Fitzpatrick, 2014).

As Haines et. al. (2012) notes *"It is essential that young people receive an education, to deter them from criminality, allow them to build their creativity, and expose them to ideas that might generate a career path"* (Capriola, 2019). Young people placed into an SCH would be living in a secure facility that mirrors the environment of a school, and therefore would reduce the damaging effects of custody. Boughey (2022) notes the Taylor Review (2016) indicating that staff working within the YJS did not have the sufficient skills required to support the most vulnerable population of young people.

Boughey (2022) concludes that *"young people with neuro-divergent needs should be in safe environments, where they receive education to give them the best start in life and deter them from criminality. Here, they can be encouraged to express themselves with the support of expertly trained staff, family, and the community"*. A view shared by the Youth Justice Board (2019).

The options are there, but first, a change needs to take place at the time of any arrest to identify learning difficulties, until this happens such individuals will:

- ◆ Not be afforded the help they need, due to a lack of screening before being questioned
- ◆ Will likely sign a witness statement that they cannot understand or agree with
- ◆ Not be afforded the legal support needed, and protections they have a right to gain
- ◆ Will likely accept a guilty plea and end up in prison, where they will again not be screened and supported for their learning difficulties

The 'school to prison' pathway would be complete! What is needed is to break this link and create a positive pathway.

CONCLUSIONS

This paper does not advocate that crimes from those with dyslexia/neurodivergence should be ignored, but if arrested, such individuals should be screened for learning difficulties and supported when arrested and questioned.

Poor educational advantage should be considered as mitigating circumstances, so if guilty of the accused crimes, are given suitable educational support, ideally as a community order if sentenced, or if needed to serve in prison, to undertake suitable entry-level/level 1 courses in prison.

If already in prison, have they been screened for learning disabilities? If not this needs to urgently take place, and if they do have learning difficulties, possible miscarriages of justice should be investigated. Could they pass the Pritchard test e.g. could they read the witness statement they signed? Were they able to engage in the process? If they were not afforded the protections under the Human Rights and UK Equality legislation, then their sentences should be questioned (Equality and Human Rights Commission, 2022).

If already in prison with a long sentence, and have been institutionalised, and their sentences are quashed, they should be moved to suitable secure accommodation and rehabilitated to be released to the community.

This paper discusses hard-hitting evidence that those with dyslexia/neurodivergence have commonly been mistreated during their 12 years of mandatory education (6-18 years old), time in alternative education, time in the criminal justice system, and finally in prisons. This mistreatment could be classed as discriminatory, so there is an urgent need to both affect the outcomes of those currently residing in prisons and more importantly, to avoid further generations feeling that crime is the only path open to them e.g. that employment is beyond their ability and feeling helplessness. So urgent action is needed, with screening in the first years of primary school to identify those with learning barriers, before they become demotivated and develop learned helplessness at school, as this is the first point of the 'school to prison pathway'.

Dr Maggie Atkinson, The Children's Commissioner for England (Office of the Children's Commissioner, 2012) remarked:

- ◆ *During the investigation, we became concerned about the possibility that considerable numbers of young people in custody may have undiagnosed neurodevelopmental disabilities which contributed to the behaviours that led them to offend.*
- ◆ *The failure to identify such disorders is a tragedy in many ways. It directly, certainly negatively, affects the lives of the victims of these children's*

crimes, of the children themselves, their families, and the services seeking to change offenders' lives for the better, and wider society.

- ◆ *The key message in this report is that we must identify and treat these children's conditions at an early stage. Doing so is, surely, the most effective way to avoid the huge individual, social and financial costs of the criminal behaviours they may otherwise continue to display in the longer term.*

Dr Maggie Atkinson goes on to note (Office of the Children's Commissioner, 2012):

- ◆ *Though these children may know the difference between right and wrong, they may not understand the consequences of their violent or disruptive actions, the processes they then go through in courts or custody, or the means to address their behaviours so they can avoid offending again in the future.*
- ◆ *The assessment, recognition, and treatment of neurodevelopmental disorders in children when they are still very young would have significant benefits, allowing the affected children to be diverted from a potential trajectory into the criminal justice system.*
- ◆ *Our studies focused on the range of neurodevelopmental disorders, they consistently highlight unmet needs due to a lack of identification and difficulties accessing appropriate support and intervention.*

As one prisoner noted:

- ◆ *"If I'd had the treatment and education I have received here before I came to prison, I would never have ended up here at all".*

Dr Maggie Atkinson agrees that there should be a move of neurodivergent young people out of the youth justice system (Office of the Children's Commissioner, 2012):

- ◆ *The Youth Justice Board, Department of Health and local youth justice agencies should ensure that young people with neurodevelopmental disorders are, wherever possible, diverted out of the youth justice system without criminalisation. Referral should instead be made to specialist services, able to manage risks and meet needs to make future savings through investment in early intervention.*

Lord Bradley concluded his review (Furlong, 2018) by stating:

- ◆ *"The first step to the effective management of offenders is the existence of good early identification and assessment of problems, which can inform how and where they are most appropriately treated"*

Boughey (2022) argues the need to move neurodiverse young people out of any 'school to prison pathway', and into Secure Children's Housing (SCH's) to receive targeted education to give them the best start in life and deter them from criminality. It is argued to be the best way to provide them with the education and therapeutic support (e.g. CAHMS diagnosis and interventions) that they may otherwise miss out on if placed in a Young Offenders' Institution (Bateman, 2016) or supported by Youth Offending Teams.

A joint inspection of the treatment of offenders with learning disabilities (Hughes, 2015) found that 58% of detainees with learning disabilities did not have their learning disability identified whilst in the care of the Crown Prosecution Service (CPS). This suggests that there is a problem with how the police identify those with learning disabilities. The lack of an appropriate screening process reinforces the suggestion that efficient identification of learning disabilities should be an urgent priority, particularly within the initial stages of The Criminal Justice System (Day, 2022; Gramann, 2022).

It should also be highlighted that educational provision in prisons is grave (Prisoner Learning Alliance, 2022), and in the last 22 inspections by OFSTED only one prison was rated 'good', and the incentives to learn are also of significant concern. All prisoners are paid for education and work, however, whilst prisoners are paid typically £8.55 a week to learn, they are offered up to £22.50 a week to work (Prisoner Learning Alliance, 2022). Most prisoners tend to choose work roles over education as this will allow them to supplement the food in prisons and keep in phone contact with family and friends. This needs to change, and each prison governor sets these rates, so can be changed at a local level without government guidance.

Charlie Taylor, The Chief Inspectors of UK Prisons (His Majesty's Inspectorate of Prisons, 2023) in a Blog states that:

- ◆ HMI Prisons assesses the progress of the prison against four areas
 - safety, respect, purposeful activity and rehabilitation and release planning.
- ◆ Education in prison has two important functions that ultimately help the establishment and the public to be safer. Prison should be an opportunity for prisoners to spend their time productively and to acquire the skills they need to go on to lead successful lives - it should give them the qualifications and the sense of achievement that will help them to behave both in jail and in the community. Education is a fundamental part of successful rehabilitation and yet it continues to be nowhere near good enough.

- ◆ “[prisoners] often tell me that by age 11 they never really attended school, either because they began to play truant or because they were expelled.”

The Chief Inspectors of UK Prisons (His Majesty’s Inspectorate of Prisons, 2023) believes there are four main reasons for poor educational provision in UK prisons, which of course are closely related:

- ◆ Education is not a priority in prisons – grading for safety and respect rate more highly than ‘purposeful activity’ according to most governors. This reflects the priorities of a prison service that focuses on safety and security above, and often to the exclusion of, other areas of prison life.
- ◆ Prisoners don’t attend the classes that are on offer – most classes inspected were not full, explained by staff will prioritise getting prisoners to essential work such as kitchens, waste management or the staff canteen over those who are signed up for education, which is often cancelled. These regime curtailments mean that both teaching staff and prisoners become demotivated by the uncertainty about who will get to education on any one day. It is noted worthy that while data governs many other aspects of prison life, it is telling that data is not collected by the centre on attendance rates in education.
- ◆ The curriculum is not suitable - Ofsted has repeatedly highlighted the inadequacy of the curriculum in jails. In a recent inspection of a reception prison, where prisoners rarely spent more than six months, inspectors found that many of the courses that were on offer took a year to complete. Our joint thematic with Ofsted last year on reading in prisons showed that education providers did not see it as their responsibility to teach prisoners to read – despite the staggeringly high levels of illiteracy in prisons.
- ◆ There is no clear accountability for the quality of education – education in prisons is commissioned by the Ministry of Justice, and to make any change even minor, each prison must apply for the Ministry of Justice to amend the contracts given to each prison. Accountability comes mainly through Ofsted inspections and while these consistently raise similar concerns, there are no other overseeing bodies or angry parents to hold providers and governors to account on a more regular basis. There are no league tables as with schools.
- ◆ “For many years inspectorates have highlighted poor standards in prison education, but since the pandemic they have never been worse than they are now”.

I think any last words should come from a 2022 statement by Amanda Spielman, Her Majesty's Chief Inspector, Head of OFSTED, the UK body that inspects schools, colleges, and prisons, looking at 'Prison education: a review of reading education in prisons' (Her Majesty's Inspectorate of Prisons and OFSTED, 2022):

- ◆ “We have been particularly worried about the number of prisoners who are simply unable to read. Reading is a fundamental life skill.
- ◆ We know from our school inspections that children who struggle to read fall behind quickly and become disillusioned with education, and that this sometimes leads to issues with behaviour and exclusions.
- ◆ It is the same sad story with prisoners. Lack of access to education maintains inequality and seriously curtails a prisoner's life chances, whereas improving reading skills can, of itself, improve employability and give access to other educational opportunities that will also improve the prisoner's prospects after prison.”

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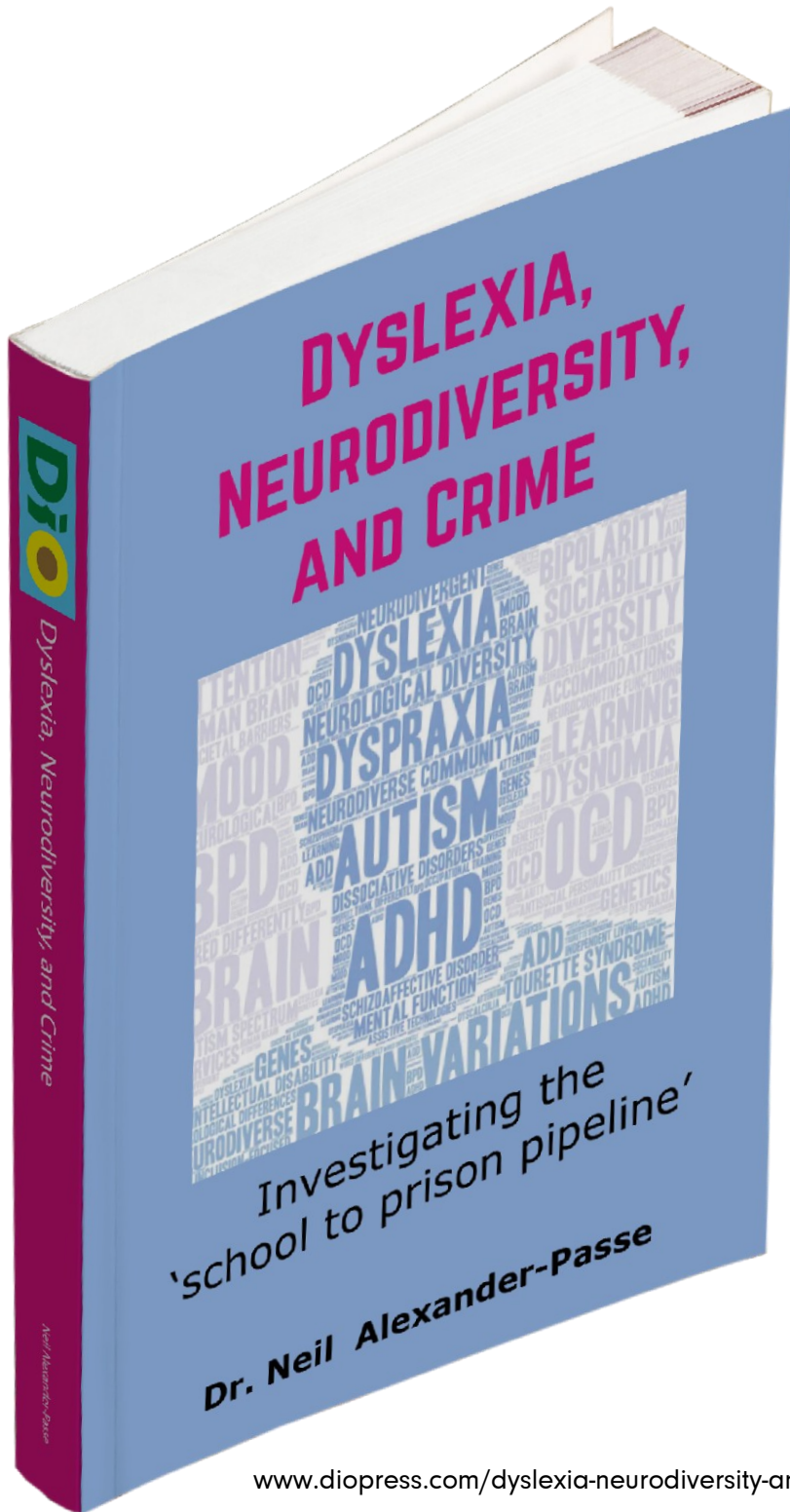
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DYSLEXIA, NEURODIVERSITY, AND CRIME
BY DR NEIL ALEXANDER-PASSE

BOOK ENDORSEMENTS

This important book focuses specifically on the relationship between dyslexia, neurodiversity, and the criminal justice system. Neil takes us on a step-by-step journey, allowing us to understand where there are key points in a young person's life that can lead to moving away from a more positive path, and why someone could end up on the school-to-prison pipeline. Neil in this comprehensive book considers these different and often complex routes into crime in an erudite manner and considers importantly how we could potentially change the trajectory. Read it slowly. Read it again and think about what we can do as a society to make lasting change. This book should be read by politicians, those working in education, social work, police, law, prison and probation, and anyone interested in being a part of the change required to stop this tragic and preventable train of events for this generation, and future generations.

Professor Amanda Kirby, Honorary Professor, Cardiff University

The timely nature of this book does not go unnoticed. Neil writes as young people are picking themselves up after a global pandemic, where there is a tangible and very palpable cost of living crisis ripping through the country, and real-terms cuts in funding to support children with special educational needs and/or disabilities in schools are decimating the fabric of extant support. This book tackles the effects of insecure home-lives, lack of support in school and the potential journeys that young people can take as a result. However, as is so clearly and eruditely demonstrated by Neil in this book, professionals along the pathway do not (or cannot) take holistic views of young people in their charge. In school, lack of resources (both time and training) mean that young people's dyslexia are highly unlikely to be identified. This book is a call to arms. For those working in school with young people, for those working in social care, for those associated with the criminal justice system and to the curators of those fields in government who set policy, allocate resources, and create the structures which could facilitate pathways away from prison for young people with dyslexia and literacy difficulties.

*Dr Helen Ross, Consultant & Researcher, Expert SEN & Dyslexia Advisor,
Co-Vice Chair, British Dyslexia Association*

In his latest book, *Dyslexia, Neurodiversity and prison: investigating the school to prison pipeline*, the author Neil Alexander-Passe provides a fascinating insight into a system that seems designed to discriminate against those with dyslexia, autism and neurodiversity. Outlining the constraints in the legal process which place poor readers at a substantial disadvantage in understanding the full implications of even 'adopting a plea bargain', the author presents an authoritative analysis of failures in the system, richly illustrated with up-to-date official reports and qualitative data from the offenders themselves, which suggest many offenders may even be innocent of the charges they face. This book is unique in taking the reader through the complexities of the system, identifying risk factors not only for failure, but also for recidivism. Overall, Neil Alexander-Passe paints a sad and gloomy picture of a continuing lack of opportunity within the UK system, with a number of simple solutions to address this, in an important book that is a 'must read' for anyone with an interest in the area of literacy. I cannot recommend this book too strongly!

Angela Fawcett, Emeritus Professor, University of Swansea