

Dyslexia, the Courts and Reasonable Adjustments

Dyslexia and other Specific Learning Difficulties

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How many people are affected by dyslexia in Britain?

Britain has two million severely dyslexic individuals, of which some 1,625,000 are adults. Some of the world's most successful people are dyslexic, including Bill Gates (the founder of Microsoft), Richard Branson (the Virgin Boss), and Thomas Edison (the inventor).

What is dyslexia?

Put simply, dyslexia is a disorder which can cause difficulties in spelling, reading and writing. Dyslexia can affect people in different ways. Visual dyslexia may result in number and letter reversals and the inability to write symbols in the correct sequence, while auditory dyslexia involves difficulty with the sounds of letters or groups of letters. Dyslexia can also affect memory.

While dyslexia is classified as both a learning and reading disability, it is more commonly referred to as a Specific Learning Disability.

Does dyslexia qualify as a disability under the Equality Act 2010?

Not necessarily. For a condition to be a disability, it has to be a physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities.

It may be that your dyslexia does not affect you to this extent in normal day-to-day life, but most people find court proceedings stressful, and those stresses can exacerbate dyslexia and how it affects you. We advise being cautious, and if you have any concerns that your dyslexia may cause you difficulties with any aspect of court proceedings, we recommend you inform the court that you have a disability (even if it is not normally so profound that it affects you in normal life).

Be aware that you are likely to be asked to look at written evidence during court proceedings, will be questioned, and that a judge may misinterpret hesitation or poor recollection of events as an attempt to mislead the court. It is

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far better to be cautious and inform the court of your dyslexia from the outset.

While your dyslexia may not count as a disability under the Equality Act 2010, you do have the right to a fair hearing under the Human Rights Act 1998.

I am applying to the court and have dyslexia. What should I do to ensure I do not face disadvantage?

For most applications to court, you need to complete Form C100. On page 10 of that form, section 8c asks if you or any of the parties involved have a disability for which you require special assistance or special facilities. That form provides very little space for you to set out what reasonable adjustments and assistance you need the court to grant you. To assist you, we have provided a list of measures which may assist you and there is no reason why you cannot attach to the Form C100 court application form. We have included a suggested list of reasonable adjustments within this pack..

We also recommend you consider asking that there be a pre-trial directions hearing, where you can

discuss what support you need with the judge. Our document 'Dyslexia, the Courts and Reasonable Adjustments' includes this request.

Do not underestimate how stressful court proceedings may be, and the effect of that stress on you. If you have dyslexia, we strongly recommend you include this on the application form. While you may normally feel it inappropriate to refer to dyslexia as a disability, in these circumstances, we recommend you do.

I am the respondent in a court case and have dyslexia, what should I do to ensure I do not face disadvantage?

If you are the respondent (you are not the person who has applied to the court), you or your solicitor will be served with paperwork notifying you of the court case.

In these circumstances you (or your solicitor) will be asked to complete Form C7 which is the acknowledgment of service.

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On page 3 of that form, section 10 asks if you have a disability for which you require special assistance or special facilities. That form provides very little space for you to set out what reasonable adjustments and assistance you need the court to give you. To assist you, we have provided a list of measures which may assist you and there is no reason why you cannot attach this to the Form C7.

We also recommend you consider asking that there be a pre-trial directions hearing, where you can discuss the support you need with the judge. Our document 'Dyslexia, the Courts and Reasonable Adjustments' includes this request.

A right to a fair hearing

Under section 6 of the Human Rights Act 1998, we all have the right to a fair trial in court. It is however important, if you suffer from dyslexia, that you ask the court to make 'reasonable adjustments' so you do not face disadvantage.

I am using a solicitor, what should I tell them?

We recommend you print, complete and hand them a copy of Dyslexia, the Courts and Reasonable Adjustments and that this be included with the Form C100 if you are the person who is applying to the court, or with the C7 Form if you are the respondent.

We also recommend you print and hand your solicitor a copy of The Good Practice Guide for Justice Professionals published by the Dyslexia Association.

I have dyslexia and want to represent myself or cannot afford a solicitor, what can I do?

You can represent yourself, but be aware court cases often require you to manage large quantities of paperwork, and deal with large amounts of information. If you can afford a solicitor, or qualify for legal aid, we recommend using the services of a solicitor experienced in helping people with dyslexia.

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If are not using a solicitor, we recommend you have someone with some experience of the courts assist you.

What is the court's view of someone representing themselves who has dyslexia?

The opinion will vary from judge to judge, and it is important you make them aware that you have dyslexia or else they may misread hesitation as your seeking to mislead the court or being disingenuous in some way.

Many judges (and solicitors and lay advisors for that matter) are ignorant of how dyslexia affects people, especially when they are under stress. We cannot overstate how important it is that you make the court aware of your dyslexia and also provide them with copies of The Good Practice Guide for Justice Professionals published by the Dyslexia Association (and included in this pack). You should also ask if the judge is aware of sections 5.5 and 5.6 of the Judicial Studies Board's Equal Treatment Bench Book which sets out

guidance for the judiciary on specific learning difficulties.

With regard to being a litigant-in-person with dyslexia, the Equal Treatment Bench Book gives the following guidance to judges:

Representing oneself is highly inadvisable for people with Specific Learning Difficulties. The difficulties of doing so should be made clear, and information on legal advice provided. If the individual still decides to go ahead, clear written guidelines should be provided on court procedures and terminology. The presence of a McKenzie Friend in civil or family proceedings should be encouraged in order to help locate information, prompt as necessary during the questioning of witnesses, and provide the opportunity for brief discussion of issues as they arise. Witness Intermediaries may also work with people with Specific Learning Difficulties and it may not be necessary to restrict this to criminal cases [Equal Treatment Bench

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Book, section 5.5.4, Judicial Studies

Board].