

Child Protection and Disability

Practitioner Training Module 1: Context



WithScotland
connecting · exchanging · protecting



Part 1

Learning outcomes

Course participants will be able to:

- Explain the different models of disability
- Recognise the difference between discrimination and prejudice
- Describe the legal context and their duties under the Equality Act 2010
- Identify some of the attitudes and values that affect perception of the abuse of disabled children and the parental capacity of disabled adults

Learning agreement

- **Relate** – listen and value everyone’s contribution; challenge any differences and disagreements sensitively and constructively
- **Equality** – respect everyone regardless of age, race, gender, disability status
- **Speak** one at a time
- **Punctuality**
- **Enjoy**
- **Confidentiality** – personal feeling and information to remain confidential
- **Take part** – help and support each other with the learning

Models of disability

- **Medical model**
- **Philanthropic model**
- **Beliefs model**
- **Social model**

Medical model of disability

- Disabled people viewed as 'sick', 'ill' and must be 'cured'
- Medical experts explain how disability 'limits' the person
- Focus on impairment rather than the person
- Considerable power attached

Impact on child

- If only they could do something to make me speak
- I'm not good enough as I am
- I've got to try harder
- Passivity

Philanthropic model of disability

- Disabled people are objects of pity
- Disability is seen as a personal disaster
- Helping disabled people is doing good work

Impact on child

- Be grateful
- Feeling devalued and helpless
- Learnt helplessness
- Isolation, passivity

Beliefs model of disability

- Disability is a punishment for wrong doing
- Action in previous life
- The sins of the father
- The will of Allah, God's will
- Therefore it's their own fault and will have to try harder

Impact on child

- It's my fate
- Don't complain, accept it
- Isolation, passivity and frustration

Social model of disability

- People with impairments are disabled by way society is structured and functions
- Views disability as something positive

Impact on child

- Feels valued
- Feels like a partner in mutual endeavour
- Has a better chance of making friends and feeling less isolated, passive and frustrated

Social model definition

Disability

'The disadvantage or restriction of activity caused by a contemporary social organisation which takes little or no account of people who have impairments and thus excludes them from the mainstream of social activities'.

Impairment

'Lacking all or part of a limb, or having a defective limb, organ or mechanism of the body'.

Disabled Person

'Those who are discriminated against because of their impairment.'

Social model



Thanks to Disability Action in Islington for permission to use this graphic

Disabling barriers

Society puts up disabling barriers to inclusion

“To put it in a nutshell, the disabled people’s movement ... doesn’t use the term ‘disability’ to mean impairment but to refer to the disabling barriers of prejudice, discrimination and social exclusion”

Jenny Morris (2001)

Beyond the social model

The social model maybe fails to acknowledge the day to day effect of living with some impairments e.g. pain, lack of energy, inability to perform some functions.

The “social relational understanding of disability” is a recent concept to try to capture this more nuanced view.

Thomas (2007)

The view of disabled children

- Enjoy the same things as other children but often cannot for lack of support, access, resources and people's attitudes
- Want adults to ask and listen
- Worry about what they don't understand
- Are bullied, excluded and discriminated against
- Want to be respected, part of their community and helped to communicate

JRF Findings (2001)

Exercise

In small groups write down a definition of what you think discrimination is and then do the same for prejudice.

Discrimination is _____

Prejudice is _____

Discrimination

Treating a person or group less favourably than you would treat another person, based on their colour / gender / age / impairment / sexual orientation / religion / marital status etc.

(Ganny Gbadebo 1999)

Prejudice

Making a pre-judgement about something before experiencing it, or before fully examining it.

(Ganny Gbadebo 1999)

Legal context

- UN Convention on the Rights of the Child 1989
- European Convention on Human Rights
- Human Rights Act 1998
- Children (Scotland) Act 1995
- Data Protection Act 1998
- Disability Discrimination Act 1995
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Vulnerable Witnesses (Scotland) Act 2004
- UN Convention on the Rights of Persons with Disabilities
- The Equality Act 2010
- The Children and Young People (Scotland) Act 2014

Disability Discrimination Act 1995

Broadly, this Act defined a disability as a physical or mental impairment which had a substantial and long-term adverse effect on one's ability to carry out normal day-to-day activities.

It went on to say that an impairment could only be taken to affect normal day-to-day activities if it affected at least one of a number capacities, such as mobility, manual dexterity, speech etc.

The Equality Act 2010

The Equality act 2010 replaces the Disability Discrimination Act 1995.

Schedule 1 removes the previous list of capacities from the definition of disability. It is no longer necessary to show that the impairment affects mobility or speech etc.

The Equality Act 2010

Continued

A person has a disability if she or he has a physical or mental impairment and the impairment has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities.

Section 6(1)

The Equality Act 2010

Continued

Public authorities have a duty to:

- Promote equality of opportunity between disabled people and other people
- Eliminate discrimination that is unlawful under the Act
- Eliminate harassment of disabled people that is related to their impairments
- Promote positive attitudes towards disabled people

The Equality Act 2010

Continued

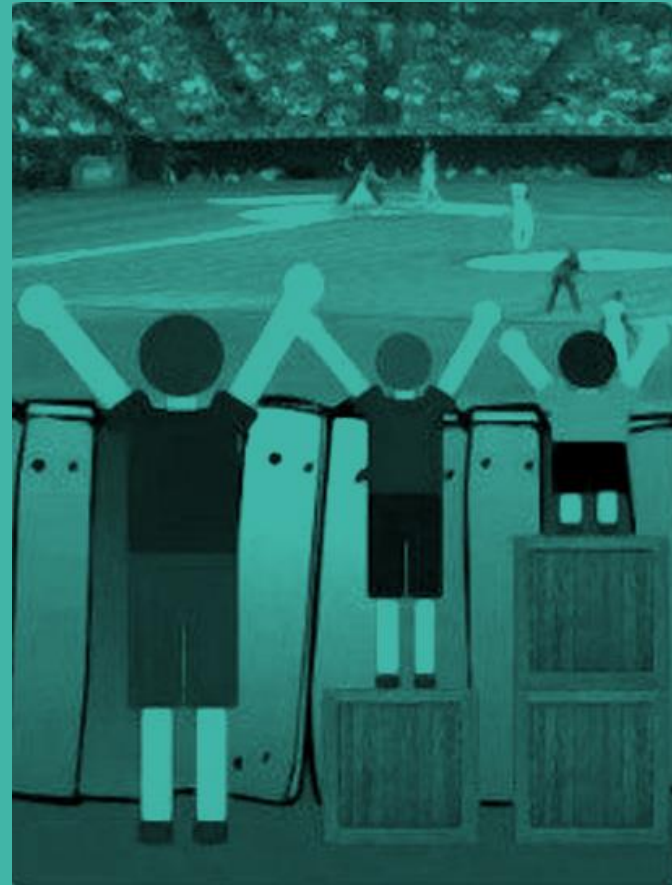
Public authorities have a duty to:

- Encourage participation by disabled people in public life
- Take steps to take account of disabled people's impairments, even where that involves treating disabled people more favourably than other people

Equality doesn't mean justice



This is equality



This is justice

Children (Scotland) Act 1995

Principles:

- Child's welfare paramount
- Consideration must be given to the child's view
- No legal intervention unless necessary

Child's rights:

- Protection; treated as individual; express views

Children (Scotland) Act 1995

Continued

Parental Responsibilities include:

- Safeguard and promote welfare of child; provide direction and guidance; maintain personal relations and contact with the child on regular basis (even if child is not living with parent).

Must be implemented only if practicable and in the interests of the child.

Child's rights:

- To have child living with the parent or otherwise regulate child's residence; control, direct or guide child's upbringing in a manner appropriate to age and stage of child; maintain personal relations and contact on regular basis even if child is not living with parent.

Children (Scotland) Act 1995

Continued

Disability is a defining criteria that a child is “in need”

- If disabled
- If they are affected adversely by the disability of any other person in their family

Sets out clearly that Local Authorities have duties, powers and responsibilities to children ‘in need’

Exercise

Can you think of positive action which has taken place in your work place to encourage disabled people's participation or to promote positive attitudes towards them?

Can you think of other measures which could be taken at your work?

Disabled children and disabled parents from black & minority ethnic backgrounds

- Double discrimination
- Higher levels of unmet needs and non take-up of benefits therefore more disadvantaged than white families
- Access to services
- Language barriers
- Concept of disability

(Chamba et al 1999)

Attitudes and assumptions regarding child abuse and neglect

- Disabled children would not be targeted
- Society devalues and dis-empowers disabled people
- Lack of awareness of the vulnerability of disabled children
- Assumptions can be made about the child's impairment which may indicate abuse i.e. behaviours, mood etc

(It doesn't happen to disabled children, NSPCC 2003)

Prevalence of abuse

Disabled children are:

- 3.4 times more likely to be abused or neglected
- 3.8 times more likely to be neglected
- 3.8 times more likely to be physically abused
- 3.1 times more likely to be sexually abused
- 3.9 times more likely to be emotionally abused

(Sullivan & Knutson 2000)

Prevalence of abuse

Continued

Meta-analysis of 17 studies of violence against children:

- Disabled children 3/4 times more likely to experience violence
- 26.7% experience more than one form of violence in lifetime
- 20% physical violence
- 14% sexual violence
- Emotional abuse “comparable” to violence

(Jones et al 2012)

Prevalence of abuse

Continued

Research into the sexual exploitation of children and young people with learning disabilities:

Though not possible to determine prevalence, concluded that these young people are:

- More vulnerable than their peers
- Face additional barriers to their protection and support if at risk or have experienced CSE

(Franklin et al 2015)

The Scottish Context

Across Scotland at end of July 2013 there were 2,681 children on Child Protection Registers.

Of those children, 140 (5.22%) were recorded as having a disability:

- 17% social, emotional and behavioural issues
- 15% with learning disabilities
- 23% chronic illness/disabilities
- 14% physical disabilities
- 12% multiple disabilities
- 9% autistic spectrum disorders
- 4% visual impairment
- mental health – not published

For 805 children (30.03%) disability was not known/unrecorded

Hear Me!

“It ruined my life. I still find it difficult to talk about.”

24 year old disabled adult abused by a care worker in a school

“She couldn’t tell us that she had been hit but I couldn’t see what else could have caused the bruises. But nothing happened...as far as I know whoever did it still works there.”

Mother of a 13-year-old girl with learning difficulties

“I worry that we accept levels of neglect and really poor quality of care that we wouldn’t if it was an able-bodied child.”

Social Worker

'It doesn't happen to disabled children' NSPCC report

Values and attitudes

“When disabled children or adults are assumed to be less than human because of their disability, then abuse is not that inhumane.”

(Sullivan et al 1987)

Reflection

Has this part of the course met the learning objectives?

How could it be improved?

What further information/study might you want?

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Further reading

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Further reading

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