

# Child Protection and Disability

Manager Training

---



*WithScotland*  
connecting · exchanging · protecting



# Aims

---

- **To raise awareness of the specific risks for disabled children in child protection**
- **To consider the issues facing disabled parents**
- **Reflect on the issues for siblings of disabled children**
- **The role of the manager in supervising practice in this area**

# Learning outcomes

---

## **Course participants will be able to:**

- Describe the risks of abuse to disabled children and why there may be under-reporting of it
- Understand the effects of discrimination and the attitudes and beliefs of wider society regarding disability
- Appreciate the impact of disability on other family members
- Understand the application of legislation
- Reflect on their role as managers in directing and supporting joint work with families and supervising practice in which children and/or parents are disabled

# Sources of information

---

- Research commissioned by Scottish Government 2014
- A pathfinder study by Kirsten Stalker 2009
- NSPCC research 2000
- Some research on parents with learning disabilities – Booth & Booth late 1990s
- US and other international studies
- Practice papers... and some assumptions

# 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

# 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

# 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
- Promote positive attitudes towards disabled people
- Take steps to take account of disabled people's impairments, even where that involves treating disabled people more favourably than other people

# Balancing duties

Overcoming false assumptions

---

- By focusing on our duties to disabled children, do we sometimes overlook the fact they are children who may need protection?
- In our pursuit of our duty to secure the best interests of children, do we sometimes overlook our duties towards disabled parents?
- Are our assessments always free of underlying false assumptions about the capacity of disabled children or parents?

# How can we improve professional practice for disabled children?

---

- Joint working
- Getting the environment right
- Focus on communication needs
- Challenge thresholds
- Tackling barriers
- Overcome reluctance to refer

# Joint working: a problem?

---

- Better co-ordination is needed between children's disability teams and child protection teams
- It was reported that the former often lacked knowledge of child protection and the latter, of disability
- Although information sharing had generally improved, the presence of impairment is not recorded consistently between agencies and in some cases may not be recorded at all
- This impedes joint working, accurate assessment of the incidence of abuse among disabled children and resource planning

(Stalker et al 2010)

# GIRFEC

## Five key questions

---

- **What is getting in the way of this child or young person's well-being?**
- **Do I have all the information I need to help this child or young person?**
- **What can I do now to help this child or young person?**
- **What can my agency do to help this child or young person?**
- **What additional help, if any, may be needed from others?**

# How can we improve professional practice for disabled parent?

---

- Using guidance
- Early intervention
- Joint work
- Building trust
- Getting communication right
- The right supports
- Draw on support from wider policy

# Child Protection Registrations

---

	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Number of children on CP register in Scotland	2,682	2,518	2,571	2,706	2,681
Number of children with a disability on CP register in Scotland				66	140
Number of children on CP register in <i>your area</i>					
Numbers of children with a disability on CP register in <i>your area</i>					
Type of disability recorded					

# Exercise 1

---



# Break

---

# The abuse of disabled children

Some facts

---

- Incidence of abuse 3.4 times greater for disabled children than non-disabled

(Sullivan and Knutson, 2000)

- Those children with communication impairments or 'behavioural disorders' are 5-7 times at higher risk of abuse

(Stalker et al 2010)

- Current Scottish Government figures suggest 5.22% children on Child Protection registers in Scotland are disabled; 30.03% disability status is unknown

# Some reasons for under-reporting Professional responses

---

- A reluctance to believe that a disabled child is at risk of abuse
- Assumptions that a disabled child would not make a credible witness
- Abusive practices are unrecognised
- Reluctance to challenge carers

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

# Some reasons for under-reporting by professionals

---

- Assessments focus on needs relating to impairment rather than general welfare
- Lack of familiarity with impairment
- Lack of time for thorough assessment
- Workers can feel overwhelmed by the child's disability
- Families may resist yet another assessment
- Assumption that an investigation cannot take place without a disclosure of abuse

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

# Some reasons for under-reporting

Why children might not be able to tell

---

- Communication difficulties
- Dependent on abusers
- Fear of services being withdrawn
- Not having the opportunity to tell
- Not sure if abuse or not
- Lack of peer support
- Belief that it is a justifiable accident
- Self blame
- Lack of self-worth
- Fear
- Threat of reprisal from abuser
- Adult power
- Adult collusion
- Will I be believed?
- Unaware of rights

# Reasons why disabled children are more vulnerable to abuse

---

- More isolated physically and socially and from mainstream services
- Their dependency on parents and carers for practical assistance in daily care, including intimate personal care, increases their risk of exposure
- Exposed to more carers, professionals and volunteers including residential and respite care
- Have an impaired capacity to resist or avoid abuse e.g. restricted mobility
- Are subjected to an increased inequality of power

# Reasons why disabled children are more vulnerable to abuse

---

## **Disabled children experience the same sort of abuse as other children:**

- Neglect
- Physical abuse
- Sexual abuse
- Emotional abuse

Neglect seems particularly prevalent

# Features of abuse particular to disabled children

---

- Failure to provide treatment or providing inappropriate treatment
- Not allowing adaptations or equipment a child might need
- Threats of abandonment/exclusion
- Exclusion: from family events, over use of 'respite', unnecessary schooling away from home. Depriving of visitors
- Not feeding enough to keep child light for lifting



# Features of abuse particular to disabled children

Continued

---

- Excessive surgery
- Forcing treatment that is painful
- Inappropriate use of physical restraint
- Rough handling, extreme behaviour modification
- Lack of communication or stimulation
- Teasing, bullying or blaming because of their impairment
- Having too high/low expectations of child

# Features of abuse particular to disabled children

---

- **Starts at a younger age**
- **Boys over represented**
- **May be more severe/violent**

(Stalker and MacArthur 2012)

# Vulnerability of siblings

---

- Brothers and sisters may be particularly vulnerable
- Physical and emotional neglect may be present but not necessarily intentional
- Their needs and wishes may be perceived as less important than those of their disabled or sick brother or sister

# Exercise 2

---

# What we know about disabled parents

---

**We have no data about disabled parents as a whole – some available about parents with learning disabilities – e.g.**

- 40% of them were not living with their children when surveyed
- A disabled father was more likely to be with children than a disabled mother
- Those who lived with other relatives were more likely to be with their children
- 60% of mothers living on own or with partner not with children

# Understanding families with disabled parents

---

- There are likely to be environmental and financial issues, poor housing and a high level of needs
- There may be bullying of children and their homes targeted
- Mainstream family/parenting resources inaccessible (e.g. parent and toddler groups)
- Parents are out of the loop, suffer isolation and stress

# A Life Like Any Other?

Joint committee on Human Rights 2008

---

“Unless justified as a proportionate and necessary response to a risk to the child, ... compulsory removal of a child from the care of its parents poses a significant infringement of the rights of both the child and its parents, to respect for their family life”

(Page 59 – in discussion of the experiences of parents with learning disabilities)

# Work with disabled parents

---

- Overcoming different professional “cultures”
- Expecting “good enough” parenting
- Getting the supports right – for children – for parents
- Not equating need for support with inability to parent
- Considering “supported parenting”



# The role of the manager

Joint work

---

- Standing back – seeing the connections
- Regular liaison with key partners
- Developing policy/procedure jointly
- Encourage escalation for conflict resolution
- Promoting strategies which increase understanding – joint training, shadowing

# The role of the manager

Resources

---

- Worker time at points when most needed
- Negotiating/encouraging sharing with other agencies
- Focusing on the longer term view when needed
- Providing training and staff development opportunities
- Securing specialist input when required

# The role of the manager

Support

---

- Being available
- Recognising and addressing emotional and time pressures for workers
- Question and challenge constructively
- Standing back, helping formulate assessment and planning
- Managing conflict

# The role of the manager

## Policy

---

- Familiarity with and advising on child protection and disability policy and practice guidance
- Reviewing policy and guidance regularly within agency and with other agencies to ensure learning from practice is encapsulated
- Ensuring compliance with the legal framework for both children and disability

# The role of the manager

Timescales and outcomes

---

- Assess and regular review of timescales – address conflicting perspectives for children and parents
- Clarify expectations of outcomes and maintain focus

# Leadership

---

- Model joint working and constructive engagement with other agencies
- Challenge misconceptions and discriminatory attitudes
- Encourage learning culture and sharing

# Reflection

---

Has this part of the course met the learning objectives?

How could it be improved?

What further information/study might you want?

# Acknowledgements

---

With Scotland and Scottish Government would like to thank all those who contributed advice and material to this course and in particular:

East Renfrewshire, North and South Lanarkshire CPCs

---

Prof Kirsten Stalker: *University of Strathclyde*

---

Prof Brigid Daniel: *University of Stirling*

---

Scottish Consortium for Learning Disabilities

---

Glasgow Centre for Inclusive Living

---

People First Scotland

---



# Further reading

---

- Children Scotland Act 1995
- Equality Act 2010
- *It doesn't happen to disabled children.* NSPCC 2003
- Sullivan, P. M. and Knutson J. F. (2000). *Maltreatment and Disabilities: A Population-Based Epidemiological Study.* Child Abuse & Neglect 24(10): 1257-1273
- Booth, T. and Booth, W. (1998) *Growing up with parents who have learning difficulties.* Routledge
- Booth, T. (2004) *Parents with learning difficulties, child protection and the courts*
- United Nations Convention on the Rights of the Child

# Further reading

Continued

---

- Stalker, K. and McArthur, K. (2010) *Child abuse, child protection and disabled children: a review of recent research*. Child Abuse Review, n/a. doi: 10.1002/car.1154
- Stalker, K. and McArthur, K. *Child Abuse, Child Protection and Disabled Children: A review of recent Research*. Child Abuse Review Vol. 21: 24–40 (2012)
- Kennedy, M. and Wonnacott, J. (2005) *Neglect of disabled children*. In J. Taylor and B. Daniel (eds) *Child Neglect. Practice Issues for Health and Social Care*, pp.228 -248. London: Jessica Kingsley Publishers
- Miller, D. and Raymond, A. (2008) *Safeguarding disabled children*. In Baginsky, M. *Safeguarding Children and Schools*. London: Jessica Kingsley Publishers

# Further reading

Continued

---

- Murray, M. and Osborne, C. (2009) *Safeguarding Disabled Children. Practice Guidance*. London: Department for Children, Schools and Families
- *National Guidance for Child Protection in Scotland, 2010*
- *National Guidance for Child Protection in Scotland, 2014*
- Scottish Consortium for Learning Disability (2008) *Fair Deal for Families?* SCLD
- Joint Committee on Human Rights (2008) *A Life Like Any Other? Human Rights of Adults with Learning Disabilities*. The Stationery Office
- Steinhauer, P.D. (1992) *The Least Detrimental Alternative: A Systematic Guide to Case Planning and Decision Making for Children in Care*. University of Toronto Press

[Additional Notes for Practitioners: \*Protecting Disabled Children from Abuse & Neglect\*](#)

# Further reading

Continued

---

- Emerson, E., Malam, S., Davies, I. & Spencer, K. (2005) *Adults with Learning Disabilities in England 2003/4*, [www.ic.nhs.uk/pubs/learndiff2004](http://www.ic.nhs.uk/pubs/learndiff2004)
- Woodcock J. (2003) *The Social work Assessment of Parenting*. British Journal Of Social Work 33 (87-106)
- Jones, D (2001) *Assessment of parenting*. In J. Howath (ed) *The Child's World: The comprehensive guide to assessing children*. 2nd ed. (p.292) London: Jessica Kingsley Publishers
- Jenny Morris (2001) *Impairment and disability: constructing an ethos of care which promotes human rights*. Penultimate draft of article published in Hypatia, Vol. 16, No. 4, Fall 2001)

# Further reading

Continued

---

- Beresford, B (2009) *Seeking the views of children who do not use speech to communicate: cumulative experiences*. Paper, Children as Experts in their own lives. Univ of Western Sydney
- Social Care Institute for Excellence, 2005. *Helping parents with learning disabilities in their role as parents*, [www.scie.org.uk](http://www.scie.org.uk)
- Cooke, P. 2005. *ACTing to Support Parents with Learning Disabilities*, Nottingham: Ann Craft Trust
- CHANGE, 2005. *Report of National Gathering of Parents with Learning Disabilities*, Leeds: CHANGE
- Cleaver, H. and Nicholson, D. forthcoming. *Children living with learning disabled parents*. Report for the Department for Education and Skills

# Further reading

Continued

---

- Llewellyn G., Traustadottir, R., McConnell, D., Sigurjonsdottir, H. eds (2010) *Parents with intellectual Disabilities: Past, Present and Futures*, Wiley-Blackwell
- Jones, L., Bellis, M.A., Wood, S., Hughes, K., McCoy, E., Eckley, L., Bates, G., Mikton, C., Shakespeare, T. and Officer, A. (2012) *Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies*. *Lancet* 380 (9845), 899-907
- Taylor J, Stalker K, Fry D, Stewart A (2014) *Child Protection and Disability in Scotland*. Scottish Gov Social Research

Thank you for your participation  
in this training event