

An Exploratory Study Of The Role Of Solicitors Representing Parents With Learning Disabilities In Care Proceedings

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What We Know

- 60% of parents with Learning Disabilities (LD) in child protection process and are at high risk of losing custody of their child before their third birthday (Booth and Booth, 1994)
- Parents with LD are over represented in Care proceedings (Bond 2012)
- 2007 Guidance on working with parents with LD – Department of Health
- 2008 A Life Like Any Other? Human Rights of Adults – HL and HC
- 2009 Supporting Disabled Parents Family or Fragmented Approach - CSCI

Why Interview Solicitors?

- This study focuses on the views of legal experts as they are in a unique position to understand and critique care proceedings in a way that many lay people including those with LD are unable to do.

LD And The Courts

- Little research on experiences of people with LD in civil courts or of court workers knowledge of LD.
- McLeod et al (2011) who recommended : support pathways for all court users with LD; training for all workers in recognising LD; provide opportunity for disclosure of LD; access to practical, moral and specialist support; access to legal advise and representation; information and training for judiciary; provision of special measures.

This Study

- 16 solicitors were asked to participate,
- 11 agreed to be interviewed; 6 also attended a focus group
- All participants are experienced in representing parents with learning disabilities in care proceedings and private law proceedings
- Each interview and the focus group was audio recorded
- Method: thematic analysis

Themes

- Solicitor Perspectives- *altering practice and “learning as I go along”*
- Attitudes and influence – *“Setting the bar too high....”*
- Legal processes – *“failing a generation....”*
- Where's the support? *“They (Child and LD services) don't talk to each other...”*
- Parents- *vulnerable, labelled and stressed*

Solicitors Experiences of Representing Parents with LD - Altering Practice and Coping with Stress

Solicitor practice – altering practice and “learning as we go along....”

- *Training for solicitors*
- *Altering Practice*
- *Legal Aid*
- *Identifying LD/difficulties*
- *Feeling (di)stressed and frustrated*

Solicitors Experiences of Representing Parents with LD – Attitudes, Influence and Legal Processes

Attitudes and influence – “setting the bar too high...”

- *Poor skills and lack of knowledge*
- *Prejudice*
- *Bar too high*
- *The Role of Cafcass*
- *Expert Witnesses*

Legal processes - “failing a generation...”

- *Information made available to court*
- *Difficulty gaining permission to consult experts*
- *Receiving justice*
- *Criticism of magistrates*
- *Time-scales*
- *Legal Aid*

Solicitors Experiences of Representing Parents with LD – Where's the Support for Vulnerable and Stressed Parents?

Where's the support? - "They (Child and LD services) don't talk to each other"

- *Identifying support and referring on*
- *Unrealistic demands, unclear expectations, insufficient time for change*
- *Not referring for specialist support and refusing to provide support*
- *Poor communication and co-operation between agencies*
- *Physical versus Learning disability*
- *Benefit of appropriate Support*
- *Advocacy*

Parents- 'Vulnerable, labelled and stressed'

- *Slipping through the net*
- *Cycles of deprivation*
- *Exploitation and vulnerability.*
- *Labels and stress*

The Positives

- Solicitors who have experience of working with people with LD are motivated to make adjustments to ensure their clients understand the process, are supported through it, access support during and after care proceedings.
- Research identified a training gap for solicitors – training pack developed and trialled on these participants

The positives

- Solicitors in this study welcomed the input of advocates and professionals working with people with LD

Next Steps

- To promote the training pack to local solicitors
- To disseminate findings of the research and highlight inequalities within the system
- To campaign for appropriate support for people with LD entering into civil courts