



# Working Together with Parents Network

- Supporting professionals who work with parents with learning difficulties.
- UK based – partnerships between Wales (LDW) and Scotland (SCLD) and Norah Fry, Bristol University (NFCDS).
- Over 700 members from the social care (adults and children), health, education, legal and independent advocacy sectors.
- Advice taken from parents with learning difficulties.
- Conferences and publications (e.g assessments, costs benefits analysis of early intervention and advocacy).
- Regional Directory of Services.
- [www.wtpn.co.uk](http://www.wtpn.co.uk) and Members only board.



**Working Together  
With Parents Network**  
Supporting professionals working with  
parents with learning difficulties

# From archive to desktop - updated Good Practice Guidance on working with parents with a learning disability

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September 2016

[www.wtpn.co.uk](http://www.wtpn.co.uk)

*“If I was a ‘normal’ parent, people would assume I was a good parent, until I proved I wasn’t.*

*But if you have a learning disability, people assume you are a bad parent, until you can prove you’re not.”*

Scottish parent [video – SCLD]



# Good Practice Guidance on working with parents with a learning disability (2007)

- Key document. 5 main principles:
  - ❖ Accessible information and communication
  - ❖ Clear and co-ordinated referral and assessment procedures and processes, eligibility criteria and care pathways
  - ❖ Support designed to meet the needs of parents and children based on assessments of their needs and strengths
  - ❖ Long-term support where necessary
  - ❖ Access to independent advocacy



# Joint Committee on Human Rights Seventh Report

- *“We consider that if the recommendations for good practice in each of these areas were implemented effectively, this could significantly reduce the risk that parents and children would be separated, in breach of the Convention.”*

A Life Like Any Other (2008)



# Kent County Council v A Mother [2011]

- *“All social workers and family support workers, working with children and families need to be trained to recognise and deal with parents with learning disabilities. The [Good Practice] Guidance issued by central government needs to be followed.”*



# Medway Council v A and Others [2015]

- *“It is clear that the purpose of the 2007 DoH Good Practice Guidance, namely to ensure that appropriate steps are taken to ensure services and training are in place to meet the needs of parents with disabilities, has yet to be met in Medway; and there appears to have been little if any awareness of the DoH Good Practice Guidance's recommendations shown by Medway's practice in this case.”*



# Context for update

- DH, DfE, ODI, Chief Social Workers
- Scottish Government
- Welsh Government
- UK Government
- A Life Like Any Other (2008) the joint Committee on Human Rights Seventh Report
- The House of Commons Library briefing notes: Learning Disability – policy and issues (2015)(2016)
- The Equality and Human Rights Commission Report *Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities*
- The House of Lords Select Committee on the Equality Act 2010 and Disability (March 2016)





# A Life Like Any Other (2008) the Joint Committee on Human Rights Seventh Report

- <http://www.publications.parliament.uk/pa/jt200708/jtselect/jtrights/40/4009.htm>
- (Para 171) *“We are concerned that successful support depends not only on effective dissemination of the Guidance by central government, but also its effective implementation by local authorities, NHS Trusts and others.”*
- (Para 179) *“ While we recognise the potential of the Good Practice Guidance to improve support for parents with learning disabilities and their children, its effectiveness will depend entirely on positive dissemination and widespread implementation by local authority adults' and children's services, NHS Trusts and others.*
- *We call upon the Government to set out clearly its proposals for ensuring that all local authority social services departments, including children's services and NHS Trusts are aware of the Good Practice Guidance and, importantly, that relevant professionals have training in its effective implementation.”*



# House of Lords Select Committee on the Equality Act 2010 and Disability - 24/3/2016

## The Equality Act 2010: the impact on disabled people

- 55 recommendations
- 5 major issues
  - Anticipatory reasonable adjustment
  - Need to be proactive, rather than reactive or process driven
  - Communication – a two way process
  - Rights which are unenforceable are not worth having
  - Government bears ultimate responsibility for disabled people and must be structured to discharge that responsibility.

*"It's time to reverse the attitude that disabled people are an afterthought. Many of the changes we suggest are simple and do not require legislation. We hope the Government will implement them quickly."* Baroness Deech, Chairman.



# The legal context for updating and applying the GPG

- United Nations Conventions on
  - The Rights of Children
  - The Rights of Persons with Disabilities
- Human Rights Act 1998
- Equality Act 2010
- Children Act 1989
- Care Act 2014
- Children and Families Act 2014



## When equality = discrimination

*“It is often surprising to people that disability is the only characteristic in respect of which equal treatment could potentially discriminate”.*

House of Lords Select Committee on the Equality Act 2010 and Disability.  
Report of Session 2015 – 16. HL Paper 117. Page 21 evidence from IPSEA  
(Independent Parental Special Educational Advice)



# Reasonable adjustments

- **s.20 and 21** require the taking of “*such steps as is it reasonable to have to take*” in order to avoid a disabled person being put at a “*substantial disadvantage*” by any
  - provision, criterion or practice
  - physical feature
  - lack of an auxiliary aid or service
- **Anticipatory duty** - provision of services and public functions (and schools / FE): it is owed not to individuals but to disabled people generally so the service provider must consider in advance what reasonable adjustments should be made to allow disabled people to make use of the system.
- **Information** - “*a duty to provide information in an accessible format where appropriate*”.



# S.149 Equality Act 2010 - Public Sector Equality Duty

Public authorities and those exercising public functions are required to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

# S.17(3) Children Act 1989

- S.17 (1) (a) and (b): general duty to safeguard and promote the welfare of children who are in need; *“and so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children’s needs.”*
- S.17 (3): *“Any service provided by an authority in the exercise of functions conferred upon them by this section **may be provided for the family of a particular child in need or for any member of his family, if it is provided with a view to safeguarding or promoting the child’s welfare.”***



# Care Act 2014

- Statutory responsibility for prevention and early intervention.
- Even if a person has needs that aren't eligible at that time, the LA must consider providing information and advice or other preventative services.





# Children and Families Act 2014

- Expert reports can only be commissioned if the court deems it “necessary to resolve proceedings justly”.
- Reliance placed on social worker’s reports and assessments – what is their expertise in parents with learning difficulties?

# Breach of human rights cases

**Manner of the decision rather than justification for the decision. E.g.**

- undue length of the process
- insufficient involvement of the parents in the process
- closure of minds at an early stage to considering how the child might be restored to the care of his parents or birth family



## S.20 voluntary accommodation cases

- Delay
- Lack of consent / informed consent
- Lack of participation
- Failure to assess proportionality and risk
  
- No legal aid available
- No proper representation for the child
  
- Transparency Project guidance - February 2016
- ADCS Practice Guidance - April 2016

# Re N 2015

- President of the Family Division: in addition to the 10-point guidance given by Hedley J in *Coventry City Council v C, B, CA, CH* [2102], a s.20 agreement should be
  - In writing and signed by the parent
  - Clear, precise, simple and straight-forward language
  - Explicit and spell out that the parent can remove the child at any time
  - Expressed without any purported fetters on the exercise of the parent's rights
  - Translated where the parent is not fluent in English.



## Re A (A child)[2013]

- Guidance given for hearings involving parents with a learning disability.
- Need for legal representatives to identify any need for assistance in responding to questions and giving instructions. Support needs must be addressed at earliest opportunity.
- Special measures / need for expert's report



# One size does not fit all

- *Targeted and suitable expert assessments are required. **Re C [2014]***
- *The courts must be careful to ensure that the supposed inability of parents to change might itself be an artefact of professionals' ineffectiveness in engaging with parents in appropriate terms. **Re G and A [2006]***
- *I have to question whether [the social worker] was able to communicate orally with SH. **Derbyshire County Council and SH [2015]***
- *The Local Authority's duties under Article 8 include the duty to ensure that the processes by which decisions about children are made are fair and that the parents are sufficiently involved in that process. **A Father v SBC & Others [2014]***
- *"At the heart of the problems in this case has been the division of the LA's work between adult social services and children's services ... they did not work together or form a consistent view of the case." **Re S [2013]***



# Next steps

## **Desirable**

- Establish specialist support service for parents with LD along the lines of the Medway model.
- Make Shared Lives placements (where an adult who needs support and accommodation becomes a regular visitor to, or moves in with, a registered Shared Lives carer) available for parents with LD.

## **Essential**

- Ensure staff are aware of how the Care Act 2014, Human Rights Act 1998 and the Equality Act 2010 apply to parents with a LD
- Set up joint working between adults and children's services, for referrals and support services for parents with LD.
- Increase advocacy capacity for parents with LD



## Areas of challenge

- Lack of procedures and training to guide professionals leads to a focus on diagnoses and numbers, assumptions and generalisations, and a failure to consider what services and modifications to policies and practices are appropriate to ensure an individual with a disability has an equal opportunity to fully benefit from, for example, re-unification programmes.

US Justice Department Report 2015





# Key legal issues

- Recognition of the right to parent
- Re-unification, where possible
- Full participation, at all stages
- Fair processes, throughout



# WTPN

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