

Protocol: Working with parents with a diagnosed learning disability and parents with a mild or borderline learning disability

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Tarleton, MacIntyre and Tilbury (2024) *Template: Joint working protocol regarding parents with learning disabilities, University of Bristol.*

Underlying core concepts

Learning disability

- A learning disability is generally defined by three core criteria:
 - Lower intellectual ability (usually an IQ of less than 70).
 - Significant impairment of social or adaptive functioning.
 - Onset in childhood.
- Recent research has shown that there are probably very equal proportions of parents with a diagnosed learning disability and those with a milder or borderline impairment who have been involved in family court proceedings.
- Examples of difficulties often experienced by these parents include struggling with literacy, numeracy, abstract concepts, planning and organisation, and learning, retaining and applying new skills or knowledge.
- People with a learning disability or difficulty often face multiple disadvantages, such as very significant levels of health and social inequality as compared to other families. Other stressors can include domestic violence, poor physical or mental health, substance misuse, social isolation, poor housing and poverty. They may be a care leaver or parent to a disabled child.
- The approach taken by this Protocol is based on the social model of disability, rather than the medical model on which the definition of disability above is based. The medical model views disability as the individual being disabled by their impairment. In contrast, the social model views disability as the barriers created by society, such as negative attitudes towards disabled people, or inaccessible buildings, transport and communication; these are seen as the cause of disadvantage and exclusion, rather than the impairment itself.

Parents with learning disabilities

- Concerns about the welfare of children whose parents have a learning disability, are usually centred around neglect by omission, not deliberate abuse.
- Parents with learning disabilities often need support to ensure the wellbeing of their children.
- While it is of paramount importance to ensure the welfare of the children, it should not be assumed that they are automatically at risk, simply because their parent has a learning disability.
- Children usually have the best outcomes when brought up by their parents, so early and appropriate identification of the support needs of parents with learning disabilities is vital if it is to lead to timely and effective family-centred, multi-agency support.
- Positive practice in working with parents with learning disabilities is based on tailored, relationship-based interventions, accessible communication and supporting parents to develop parenting skills through breaking tasks down, role modelling, repetition etc.

Joint working – Children’s and Adult services

- Children’s and Adult services have a statutory duty to cooperate under the Care Act 2014 (section 6(4)).
- Joint working between Children's and Adult services is vital when supporting families where a parent has a learning disability, if the support is to be effective and if the legal rights of the family are to be respected.
- It is the role of Children’s services to record and assess concerns regarding risks to the children, while involving Adult and other relevant services and working with these services to provide support to the family. Each service should help the other services to understand their respective roles, expectations, and thresholds.
- Adult services will check if referred individuals have caring responsibilities, recognising that having a learning disability does not automatically pose a risk to children, and undertaking a Care Act assessment with the parents’ agreement.
- If there are no child welfare concerns, Adult services will be responsible for providing services to support the adult in their parenting role.
- If there are welfare concerns regarding the children, Adult services will work closely with Children’s services, attending relevant meetings and providing information about the impact of the parent’s intellectual impairment on their parenting capabilities.
- Care plans to meet the family’s needs will be jointly funded by Children’s and Adult services.
- Inter-agency working is key to effective practice and should be initiated as early as possible. To work well, this should involve co-ordination, co-operation, joint meetings and appropriate supervision.
- If the family is involved with Children’s services, then the children’s social worker is likely to be the appropriate lead professional; all the other relevant services should be consulted before decisions are made.
- Information sharing is vital to avoid duplication or omission. Every professional is responsible for what information is shared, when, how and with whom. Data protection is a framework to help

share information appropriately. It does not prevent sharing information to safeguard a child; in some cases, it can be more harmful **not** to share relevant information.

Assessments

- Parent assessments should take a whole family approach and be carried out jointly, if parents consent.
- Early cognitive, communication, functional skills and a psychological assessment will be beneficial, if not essential, in many cases. Assessments should include a Care Act assessment. All assessments must be carried out by appropriately qualified, learning disability experienced, assessors. A detailed care plan should be developed.
- Specialist parenting assessments such as ParentAssess, Cubas or PAMS must be completed in the manner and timescales for which each framework was designed, otherwise the findings will be flawed.

Independent advocacy support

- To ensure effective two-way communication and facilitate a parent's ability to fully participate in the process from the outset of a Local Authority's involvement with a family (as is their legal right, see below), the support of an independent advocate may be needed.
- The responsibility for funding this advocacy support may be shared between Children's and Adult services, the Legal Aid Agency (LAA), and HM Courts & Tribunals Service (HMCTS), depending on the stage the process has reached.

Legal and Policy context

- Parents with learning disabilities have the right to:
 - a family life (Human Rights Act, 1998)
 - assistance from the State if needed (UNDRC - United Nations Convention on the Rights of the Child; UNCRPD - United Nations Convention on the Rights of Persons with Disabilities; and Children Act 1989)
 - equal access to services (Equality Act, 2010)
 - not be discriminated against (Equality Act, 2010, Human Rights Act, 1998)
 - fair processes/fair trial (Human Rights Act 1998)
- Parenting is an eligible need under the Care Act 2014.
- Children and Adult services have a statutory duty to collaborate under the Care Act 2014.
- The Good Practice Guidance on working with parents with a learning disability (2007 - updated by the Working Together with Parents Network (WTPN) in 2016 and 2021) is recognised by the courts and senior judiciary as the benchmark for good practice.

Matters to address in local Protocols on working with parents with a learning disability

- Purpose of the protocol
- Importance of complying / applying its principles
- To whom it applies (definition/eligibility)
- Legal and policy context
- Services' roles and responsibilities
- Funding (including advocacy/assessments)
- Local referral processes
- System for monitoring and review of the protocol
- Sources of additional information

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