



Working Together With Parents Network

Supporting professionals working with parents with learning difficulties

The Working Together with Parents Network (WPTN)

www.wtpn.co.uk

This reply is submitted on behalf of the WPTN, a unique Network of over 920 professionals from sectors including social work (Children and Adult services), health, legal, and independent advocacy, who work with parents with learning difficulties / disabilities (PLD). Members share a common ethos as reflected in:

- The Good Practice Guidance on working with parents with a learning disability
[FINAL 2021 WPTN UPDATE OF THE GPG.pdf \(bristol.ac.uk\)](#)
- The welfare of the child is paramount (UN Convention on the Rights of a Child)
- Parents with learning disabilities/difficulties have a right to a family life and are entitled to appropriate help from the State to carry out their parenting role (UN Convention on the Rights of Persons with Disabilities)
- Public authorities have a duty to advance, actively, equality of opportunity for parents with learning disabilities/difficulties (Equality Act 2010)

Learning disability / difficulty

We use the term 'parents with learning difficulties' to include parents with a diagnosed learning disability and the wider group of parents who have a milder impairment but still struggle with their day-to-day life and role as a parent and have less access to services because they do not have a diagnosed learning disability.

WPTN RESPONSE TO INCLUSION LONDON'S CALL FOR EVIDENCE ON THE GOVERNMENT'S COMPLIANCE WITH THE UNCRDP

We believe the UK government has failed to comply with Art 23 – in particular, Art 23(2) *States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.*

- a) The recently launched National Disability Strategy makes no mention at all, of disabled parents.**

We responded to the national disability strategy Consultation, raising the issue of a need to include disabled parents in the national strategy [see response attached in full, below]. The published strategy did not do so. We continue to pursue this significant omission with the Disability Unit.

- b) The relevant government departments decline to take back responsibility for the key document Good Practice Guidance on working with parents with a learning disability (GPG).**

In 2013, the WTPN asked the Department of Health to update its GPG, as although the fundamental principles remained unchanged, there had been a number of relevant new laws and policies since 2007 when the DoH/DfES first published the document, which needed to be reflected in the Guidance, if it was to be used effectively by practitioners e.g. the Equality Act 2010. The DoH declined to do so on the basis of insufficient resources to do the work.

The WTPN therefore produced an update in 2016, that was commended in 2018 by the former President of the Family Division, Sir James Munby¹. WTPN also had to produce the 2021 update, as there has still been no attempt by the Department of Health and Social Care to take on any responsibility for this Guidance and no other similar document has been issued by any relevant government department.

Nadine Tilbury

Policy Officer for the Working Together with Parents Network

WTPN RESPONSE TO THE DISABILITY STRATEGY REVIEW

We suggest that a new Theme be added to the Strategy – that of Disabled Parents and Families – however, since our own focus is on PLD (who are over-represented in child protection / care proceedings² and are more likely to have their children removed than to be supported to care for them at home³), our response reflects that particular focus.

We welcome this opportunity to feed into the development of the National Disability Strategy and are happy to provide further information or clarification if needed.

¹ President's Guidance: Family Proceedings: Parents with a Learning Disability (2018)

<https://www.judiciary.uk/publications/family-proceedings-parents-with-a-learning-disability/>

² PLD are more likely to be involved in child protection cases: 12.5% Masson J (2008); 15%-22% (Brandon et al 2009); over 50% (2017/2018) anecdotal judiciary. Judges WTPN spoke with informally in 2017/2018, said that over 50% of the parents appearing before them in care proceedings clearly had some form of learning disability/difficulty, whether formally diagnosed or not.

³ The Wales Centre for Public Policy – Analysis of the Factors contributing to the High Rates of Care in Wales (published May 2019 and updated July 2019). [Analysis of the Factors Contributing to the High Rates of Care in Wales | WCPP](#)

Themes

The list of Themes currently intended to be addressed by the proposed Disability Strategy, includes a theme for Disabled Children and Families. There is no theme for Disabled Parents and Families; we suggest this theme should be added.

Disabled Parents and Families

- Supporting disabled parents
- Supporting children of disabled parents
- Post-loss support
- Independent Advocacy
- Home-School interface
- Adoption and fostering by disabled parents

It should be noted that some of the disabled children included in the Theme Disabled Children and Families, will become / want to become parents. The two themes should therefore take this into account and ensure their respective strategies are consistent and compatible.

Equally, consistency and compatibility will be needed between the proposed new Theme and the following particularly relevant Themes:

- Changing perceptions
- Products and services
- Education and transitions to adulthood
- Community
- Accessible justice and rights
- Public sector leadership
- Health and social care
- Data

Supporting disabled parents

A wide range of legislation and policies entitle parents to be supported by the State in their parenting responsibilities. For example: the United Nations Convention on the Rights of the Child⁴, United Nations Convention on the Rights of Persons with Disabilities⁵, Children Act 1989⁶ and the Care Act 2014⁷.

However, lack of reliable data, inconsistent understanding and application of the legislation and policies, discriminatory practices and lack of joint working between Adult and Children's services significantly undermine this basic right.

Supporting children of disabled parents

Whether or not the children are considered to be 'carers' for their parents, children of disabled parents may benefit from a range of different support to enable them and their families to thrive. See also school/home interface below.

Post-loss support

Mandatory provision of post-loss support could a) help parents to understand and come to terms with their loss and b) help them to develop the parenting skills and knowledge that they lacked in respect of the child(ren) removed, so that they are better equipped to parent future children.

Most PLD whose children are removed from them, receive no post-loss support at all. One of the consequences arising from the anguish and sense of bereavement experienced by these parents, is that parents often go on to have another child to 'replace' their lost child and that child is then also removed.

After the conclusion of proceedings, Statutory Guidance, Court orders and pre-proceedings For local authorities April 2014,⁸ requires:

37. The child's social worker should consider the on-going support needs of the parents and family and any other children involved, in consultation with them. It may be necessary to provide targeted support and intervention, or refer parents to adult services, where they are experiencing particular problems.

⁴ **United Nations Convention on the Rights of the Child – art 18(2):** For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

⁵ **United Nations Convention on the Rights of Persons with Disabilities – art 23(2):** States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

⁶ **Children Act 1989 – section 17 (1):** Provision of services for children in need, their families and others. (1) It shall be the general duty of every local authority (in addition to the other duties imposed on them by this Part)— (a) to safeguard and promote the welfare of children within their area who are in need; and (b) 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.

⁷ [The Care and Support \(Eligibility Criteria\) Regulations 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

⁸ [DFE stat guidance template \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

38. Once permanence is secured for the child, it is good practice for the local authority to carry out a comprehensive review of the effectiveness of its processes over the lifetime of the case, which would also include the views from children/service users and other professionals involved.

WTPN members have very little experience of these provisions ever being implemented with the families with whom they have been working.

Independent advocacy – statutory advocacy

Independent advocacy in relation to PLD and child protection concerns, should be placed – explicitly - on a statutory basis.

Statutes such as the Human Rights Act 1998, incorporating the European Convention on Human Rights, entitles parents to participate fully in the process (Articles 6 - fair trial and 8 - private family life) and the Equality Act 2010 requires reasonable adjustments be made and equality of opportunity be promoted.

Despite these statutory provisions however, in the context of PLD and child protection concerns, local authorities do not see their duty to provide an independent advocate as ‘statutory advocacy’. This leads to a failure to provide any independent advocate until very late in the proceedings - which is much too late and tends to result in removal of the child(ren).

Many parents with learning disabilities or difficulties need the assistance of an independent advocate to ensure full participation and effective two-way communication, when dealing with professionals in relation to their children.

This right to full participation in the process does not start only at the door of the court but instead, at the first instance of the State’s intervention in the family’s life i.e. at the first contact by social services.

Failure to ensure an advocate is provided from the outset is not only a breach of the family’s rights, but almost inevitably leads to loss of the child(ren) as the parents do not understand what is being required of them.

If independent advocates working with PLD where there were child protection concerns, were recognised on a statutory basis, this could help to ensure timely appointment of advocates at the outset, thus ensuring the rights of the family were respected.

A recent study by Atkin and Kroese⁹ found:

Despite growing evidence that demonstrates the importance of independent advocacy for parents with intellectual disabilities (English [2010](#); Tarleton, Ward, and Howarth [2006](#); Ward [2010](#)), as well as the economic benefits (Bauer et al. [2014](#)) and recommendations regarding advocacy within various policy documents (DH & DfES 2006, 2007), there is still no statutory requirement for independent advocacy. Some authors have described the lack of political impetus in this area as ‘unethical and short-sighted’ (Featherstone et al. [2011](#), 274)

it is recommended that independent advocacy organisations receive statutory funding, and of a sufficient magnitude to enable greater numbers of advocates to provide much needed support to the growing numbers of parents with intellectual disabilities and help mitigate potentially unfair outcomes in CPP.

⁹ Charlotte Atkin & Biza Stenfert Kroese (2021): Exploring the experiences of independent advocates and parents with intellectual disabilities, following their involvement in child protection proceedings, Disability & Society, DOI: 10.1080/09687599.2021.1881884 <https://www.tandfonline.com/doi/pdf/10.1080/09687599.2021.1881884>

Specialist skills and knowledge are needed by independent advocates working with PLD involved with Children's Services. The importance of this role needs to be explicitly recognised in statute – similar to the roles of Mental Health Act, Mental Capacity Act and Care Act advocates.

Home-School interface

Schools need to be more 'disability aware' when a child has disabled parents – especially where the parents have a learning disability and cannot, for example, support their child with reading, homework, exploring course options etc. Improvement of the home-school interface in this respect would significantly benefit the child.

WTPN can provide the Review with a video account of a young person (Katie) giving her thoughts on this issue.

'My mum and dad both have learning disabilities as does my younger brother... Information from school comes through the internet. My mum and dad can't use the computer and wouldn't really be able to read it anyway. If my teachers had really understood what my life is like, I think I would have had better support and achieved more.' Katie.

Data

Current data about disabled people/parents is sketchy and unreliable, making it impossible to plan strategically, let alone to ensure appropriate support is/will be available to parents whether in the home at school or at work, or to be sure that disabled parents are not being discriminated against, directly or indirectly.

How many disabled people are parents, foster parents or adoptive parents?

How many people with learning disabilities are parents? How many live with their children? How many are involved in child protection proceedings? How many have their children removed? How many are supported to enable the children to stay with their families?

Inclusive communications

Easy Read and other alternative formats should automatically be produced at the same time as the principal written document whenever a government department issues a communication (similar to the publication of English/Welsh documents). Currently there is a considerable time-lag for the production of Easy Reads – if produced at all.

For example, how many routine or key court information leaflets produced by HMCTS / MoJ are available in Easy Read? WTPN wrote over 2 years ago to the Home Office asking for a copy of Sarah's Law leaflet in Easy Read. We have yet to receive it, despite occasional reminders.

Visible leadership

There is a lack of visible leadership in England, where PLD and their children are concerned.

In 2007, England could have been described as a European leader in this field, having published the seminal, Good Practice Guidance on working with parents with a learning disability¹⁰, which was heavily based on the 2006 research Finding the Right Support.¹¹

Regrettably, this is no longer the case; indeed, governments in Scotland and, more recently Wales, have, in stark contrast to England, demonstrated and continue to demonstrate a clear commitment to ensuring the rights of these families are respected.

In a statement to the Welsh Assembly on 2 July 2019, the Deputy Minister said taking preventative action in respect of looked after children was a priority. The First Minister had asked for work to ... (4) reduce the number of children removed from parents with a learning disability.¹²

In 2013, the WTPN asked the Department of Health to update the GPG, as although the fundamental principles remained unchanged, there had been a number of relevant new laws and policies since 2007 that needed to be reflected in the Guidance e.g. the Equality Act 2010. The DoH declined to do so on the basis of insufficient resources to do the work. The WTPN therefore produced an update in 2016, that was commended in 2018 by the former President of the Family Division, Sir James Munby¹³. WTPN is currently working on a 2021 update, as there has still been no attempt by the Department of Health and Social Care to take on any responsibility for this Guidance.

Consistency of approach and joined-up thinking required at national policy level

This Review will need to take into account the findings and recommendations of the Public Law Working Group final report [Microsoft Word - March 2021, report \(final\).docx \(judiciary.uk\)](#) and the current work of the Independent Review of Children's Social Care, if it is to produce a consistent and coherent strategy for children who have a disabled parent – whether that is a physical or intellectual disability.

Nadine Tilbury

Policy Officer for the Working Together with Parents Network

¹⁰ [\[ARCHIVED CONTENT\] Good Practice Guidance on Working with Parents with a Learning Disability : Department of Health - Publications and statistics \(nationalarchives.gov.uk\)](#)

¹¹ Finding the Right Support (2006) Tarleton, Ward and Howarth <http://www.bristol.ac.uk/medialibrary/sites/sps/migrated/documents/rightsupport.pdf> provided many of the good practice examples included in the 2007 Good Practice Guidance. This research was referred to by the President of the Family Division in Re D (A Child) (No 3) [2016] EWFC 1 at paras 27–29 and again at para 164 et seq. when referring to a 2006 Northern Ireland case Re G and A.

¹² Report of the Commission on Justice in Wales p.333 [Justice Commission ENG DIGITAL 2.pdf \(gov.wales\)](#)

¹³ President's Guidance: Family Proceedings: Parents with a Learning Disability (2018) <https://www.judiciary.uk/publications/family-proceedings-parents-with-a-learning-disability/>