

People First (Scotland) Parents' Group

Statement on the proposed strengthening of the criminal law on neglect

This statement was written by People First (Scotland) Parents' Group, a self-advocacy group of parents with learning disabilities, and signed by other parents with learning disabilities, organisations and professionals from across Scotland.

Parents and children have the right to get the support we need due to our disability. The UN Convention on the Rights of the Child says that families should be given the appropriate help to raise their children (Article 18). The UN Convention on the Rights of Persons with Disabilities states that everyone has a right to marry and found a family and that children should not be separated from their families due to disability (Article 23).

Part 12 of the Children and Young People (Scotland) Act 2014 places a duty on local authorities to provide a range of 'relevant services' to children (and their families) at risk of becoming 'looked after' by a local authority. The national guidance to this Act at (62) refers to the specific needs of parents with learning disabilities, and recognises that international research has shown that they are more likely to have their children removed. It also refers professionals to the *Refreshed Scottish Good Practice Guidelines for Supporting Parents with Learning Disabilities (SCLD 2015)* and at (63) recognises the need for long-term, targeted support.

More people with learning disabilities are having children (Tarleton et al, 2006, Stewart, MacIntyre and McGregor, 2016) Research shows that we can be good parents if we get the right support (MacIntyre and Stewart, 2012). Based on this evidence Scottish Government policies say we should get intensive, ongoing support when needed (Scottish Government, 2013). However, we know from research that this still rarely happens (Stewart, MacIntyre and McGregor, 2016).

Social work departments are still not geared up to provide long-term family support and as a result around 40-60% of parents with learning disabilities have their children removed (Emerson et al, 2005, Cleaver and Nicholson, 2008, Booth et al, 2005a and b). This is usually claimed to be because of 'lack of parental care' or 'neglect' (Cleaver and Nicholson, 2005).

If we have a loving bond with our children, can put their needs first, are asking for support and willing to work with supporters - but don't get the support we need, is this neglect? Who is responsible if our children then don't get their needs met – the parents or the local authority?

Not providing the right support and then removing our children is discrimination and a breach of our human rights and the human rights of our children.

We know that the Scottish Government wants to change the law on neglect and make emotional neglect a crime. We agree that both physical and emotional neglect of children is very serious. Children should never be ill-

treated. But we are worried that if this change in the law happens we could also be charged with a crime of neglect when we don't get the support we need.

We do not think it is fair to make the crime of neglect wider until the Scottish Government and local authorities can guarantee that we will be offered the right sort of ongoing support as set out in the law, policies and guidance. We have been waiting long enough for these to be put into practice.

We ask for any updated law to include provisions that make sure adequate support is provided for parents with disabilities and that parents aren't inadvertently criminalised.

Signed by:

Name	Organisation
Parents' Group	People First (Scotland)
Board of Directors – motion passed at Board meeting on 9 th June 2018	People First (Scotland)
Bev Read, Director	Firsthand Lothian
Sally Ann Kelly, CEO	Aberlour Childcare Trust
Jan Holden, Family Support worker	Firsthand Lothian
Shaben Begum, Director	Scottish Independent Advocacy Alliance
Florence Garabedien, CEO	Lothian Centre for Inclusive Living (LCiL)
Katie Wanless, Deputy Manager	Local Area Coordination Team, City of Edinburgh Council

Emma Ritch, Executive Director	Engender
Clare Simpson, Manager	Parenting Across Scotland
Dana Martin, Parent	Equal Say Advocacy, Glasgow
Debbie Wallace, Parent	Equal Say Advocacy, Glasgow
David Baxter, Parent	Equal Say Advocacy, Glasgow
Susan Quinn, Parent	Equal Say Advocacy, Glasgow
John Quinn, Parent	Equal Say Advocacy, Glasgow
Stacey McGhee, Parent	Equal Say Advocacy, Glasgow
Babs Buchanan, Parent	Equal Say Advocacy, Glasgow

References

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<http://www.ic.nhs.uk/statistics-and-data-collections/social-care/adult-social-care-information/adults-with-learning-difficulties-in-england-2003-2004>

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SCLD (2015) *Supported Parenting: Refreshed Scottish Good Practice Guidelines for Supporting Parents with Learning Disabilities*, Glasgow: Scottish Consortium for Learning Disability

Scottish Government (2013) *The Keys to Life: Improving quality of life for people with learning disabilities*. Scottish Government.

Stewart, A., MacIntyre, G., and McGregor S (2016). *A Scoping Exercise on Behalf of the Scottish Government Keys to Life Change Fund. Supporting Parents with Learning Disabilities in Scotland: Challenges and Opportunities*. SCLD

Tarleton, B., Ward, L., and Howard, J. (2006). *Finding the Right Support: A review of issues and positive practice in supporting parents with learning difficulties and their children*, Bristol: University of Bristol.

www.baringfoundation.org.uk/FRSupportSummary.pdf

Notes

Part 12 Children and Young People (Scotland) Act 2014 places a duty on local authorities to provide 'relevant services' to children who are at risk of becoming looked after and their parents/carers and to pregnant women who are going to give birth to a child who is likely to become looked after. The national guidance to Part 12 at (62) refers to the specific needs of parents with learning disabilities, recognising that international research has shown that they are more likely to have their children removed. It also refers practitioners to the *Refreshed Scottish Good Practice Guidelines for Supporting Parents with Learning Disabilities (SCLD 2015)* and at (63) recognises the need for long-term, targeted support:

Where parents have learning difficulties, it is likely that long-term support is required to be tailored throughout the different stages of childhood. The key elements of successful parenting skills support are:

- a) Clear communication and ensuring parents have understood what they are told;
- b) Use of role play, modelling, and videoing parent and professional undertaking a task together, for discussion, comparison and reflection;
- c) Step by step pictures showing how to undertake a task;
- d) Repeating topics regularly and offering opportunities for frequent practice; and
- e) Providing/developing personalised 'props': for example, finding a container which will hold the right amount of milk for the child so that the parent does not have to measure out the milk
(Tarleton B. et al 2006)

The Equality Act 2010 makes it unlawful to directly or indirectly discriminate against someone because of their disability. It states that if you are at a substantial disadvantage compared to someone who is not disabled, 'reasonable adjustments' must be made by someone providing goods or services. This can include providing information in accessible formats.

The Public Sector Equality Duty under the Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations in the course of developing policies and delivering services. This includes taking steps to meet the needs of disabled people, even where this requires more favourable treatment.

The UN Convention on the Rights of Persons with Disabilities provides a right to marry and to found a family (Article 23) and in 23(4) specifies that where it is necessary to separate the child from their parents in the best interests of the child, the appropriate law and procedures must be followed, and that:

In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

UN Convention on the Rights of the Child (Article 18) places a responsibility on States Parties to provide appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities