



**Kirklees Safeguarding Children Board**



# **Working with Parental Learning Disability Good Practice Guidance**

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## Introduction

This document is a slimmed down version of Good practice guidance on working with parents with a learning disability (2007). The link for the full version is in the bibliography of this document. Kirklees have produced this version in response to a number of Serious Case Reviews which have identified practitioners confidence and ability in working with parents with a learning disability as a factor.

The purpose of this practice guidance is to:

- Help services to improve their support for parents with learning disabilities and their children
- Increase the chances of children of parents with learning disability continuing to live with them in a positive and supportive environment that meets the children's needs.

**“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”**

**Mr Justice Baker in Kent CC v A Mother [2011]**

A specialised response to parents with learning disabilities is often required but children's social workers, family support workers and others often feel ill-equipped to work effectively with them. At the same time adult learning disability services struggle to effectively support parents with learning disabilities.

## Why do we need to understand parental learning disability?

Failure to fairly and effectively assess the needs of parents with learning disability can lead to a breach of both the rights of the child under the United Nations Convention on Rights of the Child and the rights of the parent under the United Nations Conventions on the Rights of Persons with Disabilities, the Equality Act 2010 and Human Rights Act 1998. Parents must be given every opportunity to show that they can parent safely and be good enough parents, with

appropriate support.

It is important that professionals in all agencies who work with either children, parents or families as a whole understand how to work effectively with parents who have (or are suspected to have) a learning disability as very small percentage of those parents may be eligible for specialist adult social care support

## Key Principles

- Children have a right to be protected from harm
- In Family court proceedings children's interests are paramount
- Children's needs are usually best met by supporting their parents to look after them
- Local authorities and all other agencies working or in contact with children have a responsibility to safeguard and promote children's welfare
- Parents with learning disabilities have the right to an assessment of their needs for support in their daily lives; such assessment should include any assistance required with parenting roles and tasks; parents should have their assessed needs met where eligible and considering available resources

**Learning disability is not correlated to deliberate abuse of children:**

**“...IQ by itself, is not a predictor either of the occurrence or of the non-occurrence of purposeful child abuse...” (Tymchuck, 1992)**

- in line with the Care Act 2014 and associated regulations
- Parents with learning disabilities are entitled to equal access to services, including parenting support and information services
- Public bodies have a duty to actively advance equality of opportunity for people with learning disabilities and to make reasonable adjustments to policies, practices etc. if required.

## What do we mean by “learning disability”?

The White Paper, Valuing People, states that learning disability includes the presence of:

“A significantly reduced ability to understand new or complex information, to learn new skills (impaired intelligence); with a reduced ability to cope independently (impaired social functioning); which started before adulthood, with a lasting effect on development” (Department of Health, 2001, p.14)

It is important to recognise that:

- A particular level of IQ cannot be taken as the only defining characteristic of learning disability
- Individuals can have different ability levels across the different components of IQ and other tests
- While 2.2% of the population is recognised as having a learning disability (varying from ‘mild’ to ‘profound’), another 6.7% fall within an IQ range of 70-80 (Weschler Adult Intelligence Scale – 1997)
- It can therefore be difficult to clearly demarcate those parents who have learning disabilities and those who do not

(This is a summary of the useful discussion in McGaw and Newman, 2005, pp. 8-14.)

### Learning disabilities or learning difficulties?

Many people who have the label ‘learning disability’ have said they prefer to be called ‘people with learning difficulties’. They use this term to mean “people who since they were a child had a real difficulty in learning many things. We do not mean people who just have a specific difficulty in learning, for example, people who only have difficulty with reading which is sometimes called dyslexia” (Emerson et al, 2005).

One of the objections that people have to the term ‘learning disability’ is that it can be taken to mean that they are not able to learn. Such an assumption has particular implications for parents who may be facing a situation of having to prove that they can look after their children.

On the other hand, the term ‘learning disabilities’ is used within the statutory framework for social care support while the term ‘learning difficulties’ is used within the special educational needs statutory

In the context of parenting, it is more helpful to identify support needs associated with learning disability than to take a rigid approach to the definition of learning disability. Parents with learning disabilities may have support needs associated with impairment, but they may also have needs associated with other factors such as poor health or inadequate housing.

framework, and the two definitions are not the same. Indeed, it is clear that when people self-define themselves as ‘people with learning difficulties’ they mean people who, within the statutory framework, would be referred to as ‘people with learning disabilities’.

This practice guidance is about helping practitioners to promote good practice in fulfilling their statutory responsibilities in terms of both supporting parents and safeguarding and promoting children’s welfare. Therefore it is more appropriate to use the term ‘parents with learning disabilities’ because this is the term that is used within the legislation and statutory guidance. However, practitioners will want to be sensitive to how people define and describe themselves and to use language that parents are comfortable with in their contact with them.

## Five Key Features of Good practice

### 1. Accessible information and communication

Accessible information and communication is crucial to enabling parents with learning disabilities to engage with services and to therefore maximise the chances of children's needs being met. It is also a legal requirement under the Human Rights Act 1998 that parents should be able to participate fully in the process.

All services for parents and children should make information and communication accessible to parents with learning disabilities. Information about universal services made available to parents and prospective parents should be in formats suitable for people with learning disabilities. This means:

- Easy Read versions of leaflets
- Audio and/or visual information on CD/DVD/MP3
- Fully accessible websites
- Creating opportunities to tell people with learning disabilities, face-to-face, about services for parents and parents-to-be.

Parents with learning disabilities need to hear the message that it is not unusual to require support with parenting, and that information and communication will be provided in ways accessible to them.

Parents need accessible information and communication about relevant services at all the different stages of their children's lives: from midwives and health visitors all the way through to careers and youth services.

Communication with schools is particularly important: parents have a responsibility to ensure their children attend and are expected to be involved in their children's education. Parents with learning disabilities cannot fulfil such responsibilities unless information and communication is made accessible by teachers and schools. Unnecessary difficulties are created in parents' relationships with their children's schools if the school does not think carefully about

how to communicate effectively with parents and how to involve them in their children's education.

People may misunderstand or misinterpret what a professional is telling them (this is true generally, not just for people with learning disabilities). This may be because they don't understand particular words, or because they have only understood or been told part of the information. People can also pick up messages from body language, which may not be what the professional wants to convey. It is very important to check what someone understands, and to avoid blaming

### Key Messages from parents

**Workers who are good at communication:**

**Are respectful**

**Turn up on time**

**Speak directly to parents with learning disabilities**

**Don't use jargon**

**Think before they talk to you**

**Listen and 'hear' you**

**Explain what is happening**

**Do what they say they will do**

**Are honest if they cannot help you**

**Are patient**

a person for not understanding or getting the wrong message. Sometimes information is given and communication happens in meetings involving a number of professionals. It is important to make information and communication accessible in this context as well. Meetings can be very disempowering for parents. Jargon should be avoided and parents should have someone to support them to prepare for the meeting and take part in it, if this is what they want.

## 2. Clear and co-ordinated referral and assessment processes and eligibility criteria

Referral and assessment procedures, eligibility criteria and care pathways should prevent avoidable difficulties arising by:

- Recognising low levels of need, which, if unaddressed, are likely to lead to difficulties for parents and undermine children's welfare
- Recognising support needs at the early stages of the parenting experience
- Anticipating support needs which may arise at different stages in a family's life cycle.
- Young parents and parents-to-be with learning disabilities may be in transition between children's and adult services
- Parents with learning disabilities may experience a range of needs and difficulties, including a physical or sensory impairment and/or long-term health condition, mental health problems, domestic violence, substance abuse problems
- Some parents with learning disabilities experience significant housing problems, including homelessness, harassment from neighbours, and difficulties in maintaining a tenancy.

Identification of needs should start when a pregnancy is confirmed.

**There is no clear relationship between IQ and parenting, unless it is less than 60 (McGaw and Newman, 2005). However, although IQ is not a good indicator of parenting capacity, cognitive impairment may mean that a parent has difficulty with reading and writing, remembering and understanding, decision-making and problem-solving, and this will create particular support needs.**

Procedures, criteria and pathways therefore need to be agreed between maternity services and children's and adult social care. Such agreements could relate to parents with learning disabilities in particular or to all groups of parents and their children who may be identified as vulnerable. An important starting point will be to recognise:

- Pregnant women with learning disabilities are entitled to universal services
- Universal services are required under the Equality Act 2010 to make "reasonable adjustments" to make their services accessible and suitable for people with learning disabilities
- Early assessments of support needed to look after a new baby will help to prevent avoidable difficulties arising.

Services in contact with parents with learning disabilities should use appropriate assessment materials and resources and/or access specialist expertise. Failing to do so will result in the parent receiving an unfair and therefore invalid assessment, in breach of their legal rights.

Where a parent has a learning disability it will be important not to make assumptions about their parental capacity. Having a learning disability does not mean that a person cannot learn new skills. Learning disabled parents may need support to develop the understanding, resources, skills, experience and confidence to meet the needs of their children. Such support is particularly needed where they experience additional stressors such as having a disabled child, domestic violence, poor physical and mental health, substance misuse, social isolation, poor housing, poverty or a history of growing up in care.

The information gathered for any type of assessment should be no more than is necessary, and multiple assessments should be avoided. People with learning disabilities have often been subject to multiple assessments and may find these intrusive, particularly if they have not had a good experience of service responses to assessment. Many parents with learning disabilities are understandably very worried that their children may be taken away from them. This fear can create real barriers in establishing the relationship necessary to carry out a good assessment. Consideration should be given as to who is the best person to carry out an assessment and/or what specialist expertise may need to be sought.

The guidance confirms the importance of appropriate and proportionate assessment and the need for assessors to be appropriately trained and with the experience and knowledge necessary to carry out the assessment.



**Diagnostic psychometric assessments can provide information about whether a parent has a learning disability and about their skills and abilities. However, “Although such information is useful, it must be stressed that there is no direct correlation between the results of these tests and parental adequacy” (McGaw and Newman, 2005, p.27).**

## Key Elements of a Good Assessment

- Assessors should be knowledgeable about both their statutory responsibilities, and about parents' legal rights, including their entitlements under relevant legislation.
- Where learning disability is suspected, an initial screening tool should be used in order to determine whether a specialist assessment is required.
- Assessors should be sensitive to the stigma attached to a learning disability label. Every effort should be made to frame the issue as one of identifying particular support needs.
- Psychometric assessments should not be relied on as the sole or primary measure of parenting capacity.
- Out-of-home assessments should be avoided if at all possible, unless the home environment is disempowering to the parent.
- Parents should be told, in plain language, what the assessment is, what it is for, what it will involve, and what will happen afterwards. They may need to be told more than once, for example, a parent may need to be reminded what happened at the last meeting.
- Close attention should be paid to parents' access needs (this is a legal requirement). These may include:
  - Putting written material into an accessible format
  - Avoiding the use of jargon
  - Taking more time to explain things
  - Telling parents things more than once, beware, however, of the risk of sounding patronising.
- Assessments should include the role of significant adults in the parent's life, to establish positive and/or negative contributions to the parenting role and effects on children's welfare.
- Assessors should be aware that previous experiences may create significant fear about the role of children's social care services. Parents may be hostile and anxious, and considerable effort may be required to prevent this fear becoming a real barrier to a comprehensive assessment.
- Assessors should generally be wary of misinterpreting the effects of cognitive impairment. Advice and specialist input should always be sought when parental learning disability is suspected.



### 3. Support is designed to meet the needs of parents and children and is based on assessments of their needs and strengths

In the case of parent support services, an assessment of a parent's learning needs and circumstances should inform the support provided to develop parenting skills. Research indicates that – for parents with learning disabilities – the key elements of successful parenting skills support are:

- Clear communication, and ensuring parents have understood what they are told
- Use of role-play, modelling, and videoing parent and professional undertaking a task together, for discussion, comparison and reflection
- Step by step pictures showing how to undertake a task
- Repeating topics regularly and offering opportunities for frequent practice
- 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 et al, p.54)

A family-centred approach should be taken to parenting support, responding to the needs of all family members (including fathers), rather than just the mother or just the child.

A range of services is required. All families are different and at different stages of their life cycle families require different types of support.

Families affected by parental learning disability may benefit from some or all of the following

types of services:

- Support to use universal ante- and post-natal services
- Parents' groups
- Courses in parenting skills and child development
- Groups and courses aimed specifically at fathers
- One-to-one support in parenting skills and child development
- Practical support in the home
- Assistance to use direct payments to purchase their own support
- Support with children's social and academic development
- Behaviour support services
- Counselling
- Advocacy services
- Family planning services
- Information and advice to children
- Support foster care/shared care
- Short breaks services.

**Most concerns about children's welfare where parents have learning disabilities relate to inadequate levels of childcare and, when children are recorded on the child protection register, it is usually under the neglect or emotional abuse categories. This is “neglect by omission [and] is a result of a lack of parental education combined with the unavailability of supportive services” (Cleaver and Nicolson, 2007).**

Support services should be available to help parents to promote their child's welfare at different ages and in a variety of situations. It is against children's interests if support is provided to enable their parents to look after them while they are young but the necessary support is not then provided as children grow older and needs change.

Where a number of different agencies are involved in supporting families affected by parental learning disability, a consistent and co-ordinated approach should be taken to the aims and objectives to be achieved.

Parents with learning disabilities are often in contact with a range of different organisations and professionals, and in these circumstances sometimes receive conflicting messages about what they should be aiming for.

The children of parents with learning disabilities may need support in

A lack of consistency and co-ordination confuses parents and places them at an unnecessary disadvantage.

their own right. For example, their health or developmental needs may suffer while their parent is learning to better meet these needs and/or parent support services are being put in place. Children, particularly older children, may be at risk of taking on inappropriate caring roles within the family, or their welfare may be threatened by inadequate parental supervision.

Parents may need emotional support. Parents with learning disabilities may have low self-esteem and lack confidence because of previous life experiences. They may therefore need support to build their confidence.

Parents may particularly need emotional support when children's social care become involved because of concerns about children's welfare. Fear that children are going to be taken away can make it harder for parents to respond positively to assessments and interventions. In such circumstances, parents need support from someone who they feel is "on their side" and who can help them positively engage with services. Such support is often provided by adult learning disability services, and by independent sector services and advocates.



## 4. Long term support where needed

A need for long-term support does not mean that parents cannot look after their children.

Some parents with learning disabilities will only need short-term support, such as help with looking after a new baby or learning about child development and childcare tasks. Others, however, will need on-going support. Most may need support at various different points of their family's life cycle for two main reasons.

Firstly, although a parent with learning disabilities can learn how to do things, their cognitive impairment will not go away. Just as someone with a physical impairment may need personal assistance for the rest of their life so a person with learning disabilities may need assistance with daily living, particularly as new situations arise. Secondly, children and their needs change. A parent may have learned to look after a baby and young child and be coping well. However, as the child enters adolescence other support needs may arise.

Where a need for long-term support with parenting tasks is identified, it should form part of the community care and/or child in need plan. Early identification of support needs will help prevent unnecessary difficulties arising but it should be recognised that some support needs may be on-going and this should be reflected in care planning. Practitioners should aim to build a relationship with parents where they feel able to ask for support as needs change.

Children's welfare is more likely to be effectively promoted if parents feel that practitioners are seeking to work in partnership with them to improve outcomes for their children, and if they experience positive responses to their needs.

When a child is no longer the subject of a child protection plan, it is

important that support to parents is continued according to assessed need. There is a danger that high eligibility thresholds in children's social care can mean that support is withdrawn. This may mean that parents struggle to maintain improvements in their parenting capacity and they enter a 'revolving door' of re-referrals which may mean their children being looked after by the local authority. The involvement of both children's and adult services in providing services to members of the family will help to prevent this happening.

## 5. Access to Independent advocacy and to support for self-advocacy

Self-advocacy support should be made available to parents to help to build confidence and self-esteem. Lack of confidence and low self-esteem can create parenting difficulties – poor hygiene can be associated with low self-esteem for example, or a parent may fail to attend a mother and baby group because of a lack of self-confidence. A self-advocacy group can help boost self-esteem and confidence, and thereby encourage the development of parenting skills. Such support can also help parents develop strategies for coping with harassment and bullying.

Advocacy and self-advocacy should be made available to help parents access and engage with services. Advocacy and support for self-advocacy can help parents to understand professionals' concerns, while at the same time giving parents knowledge about their rights and responsibilities and confidence to state their needs. Advocacy may also be necessary if a parent is to give informed consent in respect of a service intervention – especially where informed consent is a legal requirement.

It is very important that independent advocacy is available at an early stage and also that advocates have appropriate skills and knowledge of both learning disability and child protection issues.

## **Legal requirement for advocacy**

The Care Act 2014 imposes a duty on local authorities to provide an independent advocate where an individual would otherwise have substantial difficulties in being involved in processes such as their own assessment and care planning.

The Equality Act 2010 imposes a duty on local authorities to make reasonable adjustments so as to eliminate discrimination and to advance equality of opportunity; the provision of an independent advocate may assist with this.

The Human Rights Act 1998 entitles a parent to participate fully in the process; this includes stages prior to any formal legal proceedings being initiated.

Independent advocacy should always be provided where children are the subject of a child protection plan and/or care proceedings are instituted so that the parents can participate fully and effectively in the proceedings, as is their legal right.

## If a child of parents with learning disability is subject to care proceedings

When children are placed in foster care, parents should receive practical support to maximise their chances of improving their parenting capacity. Without this, parents will have little chance of reunification with children who have been removed from their care. Parents are likely to have strong reactions to separation from their children (particularly when it triggers feelings from previous experiences of loss). They will need help with these painful emotions in order that their reactions do not unnecessarily jeopardise their chances of reunification with their children.

As long as continuing parental involvement when children are placed in foster care is not considered detrimental to a child's welfare, it should be positively encouraged and promoted, and parents should be supported to be involved in their children's lives.

This involvement should encompass both contact between parents and children and the involvement of parents in the decisions affecting children's lives. Placement with extended family members should always be considered. Support from the extended family can work well and can take the form of 'shared care' or of permanent placement. On the other hand, there are some circumstances where extended family members would not provide suitable support, and there are other circumstances where extended family members attempt to 'take over' care of children without appropriate involvement of parents. Assessments which take into account the wider context of the parents' and children's circumstances and needs will ensure that care planning is fully informed by both the possibilities, and the limitations, of extended family involvement.

Where possible, foster care placements should be made with carers

who have experience and/or training in working in partnership with parents with learning disabilities.

Parents should be informed of the complaints procedure and it will be important that such procedures are conducted in ways which ensure that people with learning disabilities have equal access to all stages of the complaints process. This should include information in easy to understand formats and any support required to use the complaints procedure.

Local authorities should make reasonable adjustments to procedures in relation to care proceedings in order to avoid discrimination against parents with learning disabilities.

One key issue for parents with learning disabilities involved in court proceedings is their need for enough time to understand what is going on, to be fully involved in any assessments and care planning, and to have the chance to learn and demonstrate improved parenting capacity.

Parents should have access to both emotional and practical support when the child protection process concludes with children being removed. Parents' grief should be recognised and responded to. Such bereavement is particularly hard to bear when parents have experienced other losses in their lives (including in their own childhoods) and services should be aware of parents' vulnerability and needs for considerable support in such a situation.

Parents should be supported to avoid the situation where they conceive another child without their parenting support needs being addressed. Repeated removals of babies and young children into care can be avoided if the necessary support is provided to people with learning disabilities. It will also be important to work with health colleagues to enable people with learning disabilities to have access to family planning and other health services.

## What works in supporting parents with learning disabilities?

A National Gathering of over 200 parents with learning difficulties and those supporting them said these are the things that help people with learning difficulties be good parents:

- Accessible information about you and your baby's health, and about how to look after your baby
- Self-advocacy groups; coming together with other parents
- Getting support before things go wrong and become a crisis
- Being assessed in your own home, not in an unfamiliar residential family centre
- Assessment and support by people who understand about learning disabilities
- Advocacy
- Making courts more accessible
- Support for fathers
- Support for women and men experiencing violent relationships.

(CHANGE, 2005, pp.6-7)

## What type of support is known to have good outcomes?

- Self-directed learning can bring about long-term improvement in parenting skills
- Group education combined with home-based intervention is more effective than either home-based intervention or a group education programme on its own
- Parents with learning disabilities value both advocacy services and those which support self-advocacy
- There would appear to be some key characteristics of successful interventions
- Good co-ordination and communication between children's and adult services is key to effective interventions
- Preventative approaches are key to safeguarding and promoting children's welfare



## The Legal context for supporting parents with learning disabilities

Legislation and guidance set out the responsibilities of organisations and the rights of individuals. For example:

- The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
- The United Nations Convention on the Rights of the Child (UNCRC)
- The Equality Act 2010
- The Human Rights Act 1998
- The Care Act 2014
- Care and Support (statutory guidance)
- Working Together to Safeguard Children 2018 (statutory guidance)
- Court Orders and Pre-Proceedings – for local authorities (2014) (statutory guidance)
- The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review (2015) (statutory guidance)

### The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

UNCRPD includes provision for the right to accessibility of information and services (art 9), access to justice (art 13) and respect for home and the family (art 23). In particular, art 23(2) provides “States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.”

### The United Nations Convention on the Rights of the Child (UNCRC)

UNCRC includes provision for the child’s best interests to be a primary consideration (art 3), the right to know and be cared for by his/her parents, as far as possible (art 7), the right to express views (art 12) and parental primary responsibility for the child (art 18). In particular, art 18(2) provides “... States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities ...”

### The Equality Act 2010 and the Human Rights Act 1998

Application of the Good Practice Guidance principles is an essential step towards ensuring that the rights of parents with learning difficulties, and those of their children, are respected in accordance with the Equality Act 2010 sections 20 (reasonable adjustments) and 149 (duty to eliminate discrimination and to advance equality of opportunity); and articles 6 (fair trial), 8 (private life) and 14 (prohibition of discrimination) of the Human Rights Act 1998.

It is important to recognise that services such as the provision of information, assessment, the putting in place of services to meet assessed need, and action taken to protect a child from significant harm – are all covered by the Equality Act 2010, requiring service providers to make ‘reasonable adjustments’ to ensure that a disabled person receives the same level of service as a non-disabled person, and by the Human Rights Act 1998 to ensure fair processes and full participation.

In addition, both adult services and children’s services authorities have a duty under the Equality Act to advance equality of opportunity for disabled people (including parents) in their local population. This applies to all their functions and means that they should take proactive steps to ensure equal access and equal treatment.

## The Care Act 2014

The Act deals with the reform of adult social care and support legislation, setting out the new statutory principle of promoting adults wellbeing and preventing, delaying or reducing the development of care and support needs.

**Wellbeing principle – section 1:** this statutory principle applies to all the functions under Part One of the Care Act (including care and support and safeguarding). Local authority decisions must promote the adult's wellbeing.

**Prevention – section 2:** local authorities must provide preventative services i.e. services that help prevent, delay or reduce the development of care and support needs.

**Integration – section 3:** places a duty on local authorities to carry out their care and support functions with the aim of integrating services with those provided by the NHS or other health related services.

**Information and advice – section 4:** requires local authorities to make available information about the services they provide for disabled people; and to ensure that disabled people know about both local authority services and any other relevant services provided by other organisations. Whether or not someone is eligible for help from adult social care, local authorities must provide information about other sources of support and advice.

**Co-operation - sections 6-7:** create a general duty to co-operate between the local authority and other organisations which have functions relevant to support and care. This includes a duty on the local authority itself to ensure co-operation between its adult care and support, housing, public health and children's services.

**How to meet needs – section 8:** examples are given of the ways in which the local authority may meet a person's needs under the Act.

**Assessments – sections 9, 10, 11 and 12:** address when an assessment of need must be carried out, what the assessment should cover, that regulations may specify further details about the assessment process, including requiring that the assessment be appropriate and proportionate.

**Eligibility – section 13:** requires local authorities to determine whether a person has eligible needs after they have carried out a needs assessment. Regulations set out eligibility criteria, including the national minimum level of eligibility at which local authorities must meet a person's care and support needs.

**Independent advocacy support – sections 67 and 68:** place a duty on local authorities in certain specified circumstances to arrange for an independent advocate to be available to facilitate the involvement of an adult who is the subject of an assessment, care or support planning or review.

When considering the provision of an independent advocate, whether in the context of the Care Act or otherwise, the requirements of the Equality Act 2010 and the Human Rights Act 1998 should also be taken into account to ensure that a parent is able to fully participate in the process.



## Care and Support (statutory guidance)

[This guidance](#) provides the full detail and examples of how the Care Act is to be implemented in practice. For example, at para 6.102 the guidance states that a formal diagnosis of a learning disability (and other disabilities) is not required for the local authority to be satisfied that the adult's needs for care and support is due to a physical or mental impairment or illness.

## Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children (2018) (statutory guidance)

[This guidance](#) sets out in detail local authority statutory functions under the 1989 and 2004 Children Acts. This includes specific duties in relation to children in need and children suffering, or likely to suffer, significant harm under section 17 and section 47 Children Act 1989.

Procedures to assess need and provide help and organisational responsibilities are set out in chapters 1 and 2.

The [2010 version of Working Together](#) provided six pages of information about parents with a learning disability at part 2 chapter 9 pp.278–283 – Lessons from Research

## Court Orders and Pre-proceedings – for local authorities. Department for Education (2014) (statutory guidance)

[This guidance](#) provides a high-level guide to the law, setting out the different private and public law orders, including placement and adoption orders and processes relating to care and court proceedings (including pre-proceedings).

The guidance mentions the need for early identification and support for parents with a learning disability. Several references are made to

the need to consider capacity issues at the earliest opportunity.

## The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review (June 2015) (statutory guidance)

[This guidance](#) sets out the functions and responsibilities of local authorities and partner agencies under Part 3 of the Children Act 1989, which concerns the provision of local authority support for children and families. In particular it describes how local authorities should carry out their responsibilities in relation to care planning, placement and case review for looked after children to safeguard and promote the welfare of the looked after child and to act as good corporate parents to enable each looked after child to achieve his/her full potential in life.

At para 3.79, in the context of assessing parental capacity for change, the guidance states it is particularly important to assess issues (such as severe learning disability) and to explore whether, if they formed part of the grounds for a care order, the parent has had sufficient support in addressing them before a child returns home.

## Appendix 1 Lessons from Serious Case Reviews

### LLR1 (Baby Darren)

Professionals need to have a sound, judgement free knowledge of Learning Disability and how this may impact on parenting capacity.

Assessments should be completed in a multi-disciplinary way

Management oversight and support is crucial for inexperienced workers

The relationship between children's social care and legal services needs to be better defined

Records need to be kept up-to-date and should record who is making key decisions and why

All agencies to have a good understanding of Early Support Services

### SCR 024

Within their initial contacts with families all partner agencies should give consideration to how far parental learning disability might be a feature.

The protocol about specialist referrals for consultation in cases of parental learning disability should be embedded in practice and operating effectively.

## Bibliography

Baum, Dr. S et al.(2011) *Good practice Guidance for Clinical Psychologists when Assessing Parents with Learning Disabilities* British Psychological Society: Leicester

DoH / DfES (Department of Health / Department of Education and Skills) (2007) *Good Practice Guidance on working with parents with a learning disability—Updated version by Working Together with parents Network, University of Bristol and Esmee Fairbairn Foundation* (2016) accessed here: <https://www.bristol.ac.uk/media-library/sites/sps/documents/wtpn/2016%20WTPN%20UPDATE%20OF%20THE%20GPG%20-%20finalised%20with%20cover.pdf>

Marriott, A and Tarleton, B (2008) *Finding the Right Help* University of Bristol and NSPCC Accessed here: <https://www.bristol.ac.uk/media-library/sites/sps/migrated/documents/finding-the-right-help.pdf>

Morgan, P (2017) *Child Protection and Parents with a Learning Disability: Good Practice for Assessing and Working with Adults* Jessica Kingsley: London