NSPCC

‘We have the right to be safe’ Protecting disabled children from abuse

Executive Summary

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October 2014

EVERY CHILDHOOD IS WORTH FIGHTING FOR

‘We have the right to be safe’: Protecting disabled children from abuse

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October 2014

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Preface

This report identifies key issues about safeguarding and disabled children. It outlines the rationale for the NSPCC's work with disabled children, identifies influencing factors on risk and safeguarding, considers what we know from research and reviews of service delivery before moving on to the policy context and current state of safeguarding services in the UK. Finally, the report sets out what is needed to improve the protection of disabled children.

The importance of involving deaf and disabled young people in understanding the nature of the problems and in finding solutions is recognised, as is the role of all stakeholders in working towards the protection of disabled children from abuse.

The report has drawn from a number of sources including:

- literature reviews
- deaf and disabled children, young people and young adults
- NSPCC practitioners and managers
- key organisations and individual experts in both the disabled children and safeguarding and child protection fields.

It considers the safeguarding needs of disabled children from a wide range of impairment groups including children with moderate, severe and profound and multiple learning disabilities; children with specific learning difficulties; children with physical or visual impairments; deaf children; children with an autistic spectrum condition; children with physical or mental health needs; children with speech, language and communication needs; and children with behavioural, emotional and social development needs.

The term "disabled" covers a wide range of impairments that have a different impact on the child, their needs and their experience of disabling barriers. Any one child's experience of their impairment will be unique to them. In consequence, each issue considered in this report is of varying relevance for children within different impairment groups and for individual children themselves. However, some issues will be common to the experience of children across a number of impairment groups.

Terminology

The terms "disabled children" and "children with disabilities" are both widely used by professionals. We have taken an approach that reflects the social model of disability and used the term "disabled children" throughout to include all impairment groups. This enables us to focus on barriers to the wellbeing and protection of disabled children and to build on the strengths and opportunities that exist.

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The recognition of disabled children as full human beings is only comprehensively achieved by adopting the social model of disability. This perspective separates out the impairment (the characteristics of someone's body or mind) from the disabling barriers (the way society and individuals react to impairment). A disability rights perspective, informed by the social model of disability, asserts that it is not impairment which determines quality of life but disabling attitudes and unequal access to education, communication, employment, leisure activities, housing, health care and so on. This is why the disabled people's movement uses the term "disabled children" rather than "children with disabilities". The former term refers to what society does to children with impairments (i.e. it disables them by prejudicial attitudes and unequal access), while the later term uses the word "disabilities" to mean impairments and thus defines them by what their bodies or minds cannot do. Within the social model of disability, the word "disability" refers to oppression and disenabling factors, not to impairment. (Morris 1998, p.12)

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We have referred to particular impairment groups when referring to specific research findings and planned activities.

The term "deaf and disabled" is used in the context of consulting with deaf children and young people. This is because some deaf young people identify themselves as deaf and not disabled. In other contexts the term "disabled" is used to refer to all disabled children, including deaf children.

"Children" refers to both children and young people. This report covers children from the ages of 0 – 18 years of age but some of the issues will also be relevant for disabled young adults.

"Safeguarding" refers to a broad range of activities, including child protection, to prevent abuse and promote wellbeing.

"Child protection" refers to policies, procedures and practice to protect children when there are concerns about a child's safety and wellbeing.

Acknowledgements

We would like to thank all those who have helped with compiling this report, including NSPCC practitioners; organisations and individuals who have contributed so thoughtfully and commented on draft materials; members of the National Working Group on Child Protection and Disability who have helped identify key issues over recent years on the protection of disabled children; and the NSPCC Deaf and Disabled Rights Action Group.

Particular thanks go to the young ambassadors for the disabled children theme, Alex, Shiraz, Marium and Ismail who have made important contributions to this report; to Emily Cherry, Charlotte Moss, Lucy Milich and the participation team for facilitating contributions from disabled young ambassadors, to Professor Kirsten Stalker and Christine Osborne for their very helpful comments on a final draft of this report; Brian Gale, Paul Taylor, Rachel Clawson, Christine Lenehan, Ann Raymond, Steve Kiekopf, Kate Richardson, Dustin Hutchinson, Sandra Gulyurtlu and the many other professionals who provided early material for the report; Caroline Cunningham, Tom Slater, Vivienne Laing and Joanne Smith, Joanna Barrett, Ruth Ball and David Tucker in the NSPCC Policy and Public Affairs Teams in Northern Ireland, Wales, Scotland and England for their important contributions on developments in their respective nations; and to William Baginsky for editing this report and for his helpful suggestions and contributions.

Finally, and most importantly, we would like to thank all the deaf and disabled children and young people who have provided valuable insights over the years and helped us to understand the risks more fully as well as what we can do to address these.

Messages from NSPCC disabled ambassadors

"Some disabled people get treated badly, get treated like a kid. They get isolated in their thoughts and minds. They could even self-harm. You need to give them more freedom."

"When a young person is disabled, their mothers sometimes smother them too much, they need to let them go, they need to learn for themselves and experience the real world. Sometimes because parents don't let them experience the real world, they don't know what abuse is."

NSPCC Ambassador

It's harder to make yourself heard at times. You can't communicate easily, because of whatever problem. And you also have to depend on other people. Even if you're able to verbalise what you want to say, you are always in a weaker position, as you need that help. So in order to safeguard yourself, you need to make sure staff, carers, are vetted, and make sure they know they're not just doing a job – they're helping a person.

"We need someone to come down to our level and tell us that there are people that could help."

"If people don't listen to young people, it could be more dangerous for them. If they don't know ways of dealing with life today, it's harder to be themselves."

NSPCC Ambassadors

"Everyone has the right to be safe, and not a victim of society."

"That's where the avenues of abuse open up, when the young person needs support. That person has to have that help; if that person wants to take advantage of that, they can."

"People do get bullied. You should make people understand it's wrong. They don't know about different things. PSHE[1] is so important. Bullies can see you as an easy target."

There needs to be honesty about any incident, no matter how embarrassing or scary.

If I had £1 million to spend on keeping disabled young people free from abuse...

"I'd have workshops for young people telling them what's safe – what they can do, where to turn to. And giving the same to parents, to professionals, to teachers. They need to be aware of the young person's needs."

"I'd give people education, and make sure that there is employment for young disabled people. You should educate them about staying safe, the social model, terminology, and creating a culture of disability awareness in schools and colleges."

NSPCC Ambassador

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[1] Personal, social and health education

Executive summary

Rationale

The rights of disabled children to protection from abuse are enshrined in the UN Convention on the Rights of the Child (UNCRC) and all work to protect and safeguard disabled children should be grounded in the Convention. Article 19 provides for the protection of the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, and maltreatment or exploitation, including sexual abuse. Article 2 addresses the rights of all children, without discrimination of any kind, to all rights enshrined in the Convention, irrespective of the child's or his or her parent's or legal guardian's disability. Article 23 recognises the right of the disabled child to enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

The UN Convention on the Rights of Persons with Disabilities, ratified by the UK in 2009, reaffirms that all disabled people must enjoy all human rights and fundamental freedoms, and Article 7 states that all necessary measures should be taken to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children. Article 16 details the right of all disabled people, in accordance with the Convention, to be free from exploitation, violence and abuse.

Research, mostly conducted outside the UK, shows that disabled children are three times more likely to be abused than non-disabled children (Jones *et al.* 2012). Disabled children have an equal right to protection, yet barriers can exist at all stages of the child protection process (National Working Group on Child Protection and Disability 2003). Positive action can reduce the risk and help realise disabled children's equal right to protection. The NSPCC is well placed to lead on this work in collaboration with key stakeholders.

Understanding the drivers

Factors that increase risk and lessen protection include:

- attitudes and assumptions that do not treat disabled children equally and have an impact on all aspects of their lives – reluctance to believe disabled children are abused, minimising the impact of abuse and mistakenly attributing indicators of abuse to a child's impairment
- barriers to the provision of support services that lead to the disabled child and their family being isolated
- impairment-related factors such as dependency on a number of carers for personal assistance, impaired capacity to resist/avoid abuse, communication impairments and an inability to understand what is happening or to seek help
- barriers to communication and seeking help where the child's opportunities for seeking help may be very limited
- barriers to the identification of concerns and an effective child protection response such as: lack of holistic child-focused assessments, reluctance to challenge parents/carers and professional colleagues, a skills gap and resource constraints (Westcott 1993; Sobsey 1994; Westcott and Cross 1996; Westcott and Jones 1999; National Working Group on Child Protection and Disability 2003; Commission for Social Care Inspection *et al.* 2005; Briggs 2006; Fisher *et al.* 2008; Murray and Osborne 2009; Ofsted 2009, 2012; Stalker *et al.* 2010; Stalker and McArthur 2012).

What we know

Disabled children are at significantly greater risk of physical, sexual and emotional abuse and neglect than non-disabled children (Sullivan, Vernon and Scanlan 1987; Cross *et al.* 1993; Sullivan and Knutson 2000; Kvam 2004; Spencer *et al.* 2005); Jones *et al.*2012.

Disabled children at greatest risk of abuse are those with behaviour/conduct disorders. Other high-risk groups include children with learning difficulties/disabilities, children with speech and language difficulties, children with health-related conditions and deaf children. Evidence on risk and severity of impairment is mixed. Most research suggests that disabled boys are at greater risk of abuse than disabled girls when compared to non-disabled children. There is a lack of knowledge about the differing risks to disabled children at the various stages of their development although there is some evidence that for maltreated children with health/orthopedic and communication impairments, there is a preponderance of first incidents of maltreatment from birth to five years of age. Disabled children in residential care face particular risks (Utting 1997; Sullivan and Knutson 2000; Kvam 2004; Spencer *et al.* 2005; Briggs 2006; Hershkowitz *et al.* 2007; Fisher *et al.* 2008).

Disabled children are more likely to be abused by someone in their family compared to non-disabled children. The majority of disabled children are abused by someone who is known to them. Research also suggests that significant numbers of children with harmful sexual behaviour have learning difficulties or disabilities, although caution should be exercised in interpreting these findings (Sullivan and Knutson 1998; Kvam 2004; Hershkowitz *et al.* 2007, Almond and Giles 2008; Hackett *et al.* 2013).

Bullying is a feature in the lives of many disabled children (Marchant *et al.* 2007; Reid and Batten 2006; Mencap 2007). Research indicates that disabled children are more likely to experience the negative aspects of social networking sites than non-disabled children (research conducted by the NSPCC in 2013 on the experiences of 11–16-year-olds on social networking sites).

Disabled children (and severely disabled children even more so) may disclose less frequently and delay disclosure more often compared to typically developing children. Disabled children are most likely to turn to a trusted adult they know well for help such as family, friend or teacher (Marchant *et al.* 2007; Briggs 2006; Hershkowitz *et al*. 2007; Marchant *et al*. 2008).

Very little is known about the experiences of disabled children in the child protection system; the NSPCC has sought to remedy this by commissioning research into the subject in 2013. There is also a lack of research specifically in relation to minority ethnic disabled children and safeguarding although research shows that families from minority ethnic groups experience additional disadvantage and discrimination in caring for a disabled child (Chamba *et al.* 1999).

Research has found disability to be a common feature where children have experienced abuse as a result of beliefs in "possession by evil spirits" and "witchcraft" (Stobart 2006).

On promoting safeguarding, research studies and consultations have highlighted the need for personal safety skills programmes, including sex and relationships education, that raise disabled children's awareness of abuse and ability to seek help (Briggs 2006; Marchant *et al.* 2008; Stephenson *et al.* 2011). Peer support can also have a beneficial effect on reducing bullying and enabling children to explore the issues they regard as important and to make decisions (Bethell 2003; Smith and Watson 2004).

Finally, creative therapies can potentially contribute to safeguarding by providing children with opportunities to express themselves through indirect and non-verbal means, particularly when it is hard for them to express themselves linguistically (Epp 2008; Porter *et al.* 2009; Freilich and Shechtman 2010; Goodley and Runswick-Cole 2010).

Policy context

The policy context across England, Wales, Northern Ireland and Scotland is diverse although many of the issues about risk and protection of disabled children are similar. Inspections and reviews of safeguarding/child protection services for disabled children across all four nations have identified significant issues relating to the implementation of policy.

All four nations are, or have been, addressing protection issues for disabled children:

England

Working Together (2013) identifies particular considerations for disabled children and refers to previously detailed guidance on assessment and protecting disabled children. Reviews of safeguarding and serious case reviews such as the Commission for Social Care Inspection et al (2005), Ofsted (2009) Brandon et al (2012) and the Ofsted (2012) protecting disabled children thematic inspection have highlighted key issues for the protection of disabled children over recent years. Ofsted's (2013) *Framework and Evaluation Schedule* on the effectiveness of local authority services and arrangements to help and protect children, and the effectiveness of the local safeguarding children board in meeting its statutory functions, identifies how the needs of disabled children are being met. The Children and Families Act 2014 is introducing a number of measures to improve the support system for children and young people with SEN and their families.

Wales

Safeguarding Children: Working Together Under the Children Act 2004 (Welsh Assembly Government 2006) and the *All Wales Child Protection Procedures* (AWCPPRG 2008) specifically address issues for disabled children. The Rights of Children and Young Persons (Wales) Measure 2011 embeds the UN Convention on the Rights of the Child into legislation. The rights approach has resulted in policy-making focused on the needs and rights of disabled children in Wales over the last decade.

Scotland

The *National Guidance for Child Protection in Scotland* (Scottish Government 2014) and the 2014 *Additional Notes for Practitioners: Protecting Disabled Children from Abuse and Neglect* address issues for disabled children, who are seen as a priority. A ministerial working group was established from March 2012 – March 2014 to take forward the National Review of Services for Disabled Children (see Scottish Government 2011, 2012). The Scottish Government has commissioned and published research on disabled children and child protection in Scotland (see Taylor *et al.* 2014).

Northern Ireland

The particular vulnerabilities of disabled children and a number of measures to keep them safe were explored in a policy statement setting out a safeguarding policy framework across government departments (OFMDFM 2009). *Co-operating to Safeguard Children* (DHSSPS 2003) and *Standards for Child Protection Services* (DHSSPS 2008) both refer to the needs of disabled children and *Understanding the Needs of Children in*

Northern Ireland (DHSSPS 2011) includes guidance for professionals when conducting assessments with disabled children. Safeguarding disabled children has been recogised as a priority in the Safeguarding Board for Northern Ireland's first Strategic Plan (SBNI 2013).

Current state of services

The increased focus on the safeguarding needs of disabled children over recent years has undoubtedly led to improvements in practice across the UK. However, the available evidence suggests that practice varies between individuals and between services and local areas.

Reviews, inspections, consultations and other sources of information have found:

- Many disabled children lack basic information about child protection. Research carried out by the NSPCC in Northern Ireland (McElearney *et al.* 2011b) highlighted that children with special educational needs were more likely to report lower knowledge, understanding and self-efficacy to keep safe in relation to bullying, domestic abuse, and appropriate and inappropriate touch than their peers.
- There has been a move in recent years towards models for empowering disabled children and consulting them on matters that affect their lives. Peer support is still relatively new but is becoming more commonplace within schools. Disabled children likely to be the most vulnerable are less likely to receive an advocacy service.
- There have been improvements in child protection practice across the UK in recent years. In England, the Ofsted (2012) protecting disabled children thematic inspection found that effective multi-agency support was provided at an early stage; a wide range of professionals and staff made timely referrals when they had concerns about disabled children; when child protection concerns were clear they were investigated promptly and steps were taken to ensure that children at immediate risk were safe; that when these children did become the subject of child protection plans there was a marked improvement in their outcomes and that child protection enquiries were usually carried out by social workers with appropriate experience and expertise in child protection and disability. Taylor *et al*. (2014) commented that in Scotland some practitioners had found creative ways of seeking a child's views and that there was a perceived improvement in interagency communication and cooperation.
- Significant barriers continue to exist, however, in child protection processes for disabled children. Recurring themes include failure to recognise abuse or apply appropriate thresholds; lack of holistic assessment; lack of communication with the child and maintaining a focus on their needs; and, despite improvements, a continuing lack of effective multi-agency working (Ofsted 2009, 2012; Brandon *et al.* 2012; Taylor *et al*. 2014). In England Ofsted (2012) found in particular that children in need work was not always well co-ordinated, with many plans lacking detail and focus on outcomes, and that this lack of rigour increased the likelihood of child protection concerns not being identified early enough. The report also found delays in identifying thresholds for child protection when concerns were less clear-cut, especially neglect.
- Registered intermediaries have been available in the criminal justice system throughout England and Wales since 2008 although there is a significant shortfall. A pilot programme is in place in Northern Ireland. Evaluation of the pathfinder projects in England and Wales found considerable benefits in facilitating communication (Plotnikoff and Woolfson 2008).
- The needs of deaf children are often not well served by children's disability teams (Young *et al.* 2009). Minority ethnic disabled children may experience additional barriers in the child protection system.
- Therapeutic services for children who have been sexually abused are often not accessible to disabled children and in particular physically disabled children, children and young people with severe mental health difficulties and severe learning disabilities (Allnock *et al*. 2009). The NSPCC will be piloting a therapeutic intervention in 2014/15 with children with learning disabilities.

The way forward

All stakeholders need to share and build on existing knowledge and good practice and work together towards ensuring equal protection for disabled children. There is a need:

- to develop a wider and deeper evidence base to help us better understand the vulnerability of disabled children to abuse and how they can be protected. Research, similar to that carried out in the United States by Sullivan and Knutson (2000) is needed on the specific increased vulnerabilities of disabled children to abuse in the UK.
- to raise awareness about the abuse of disabled children and challenge attitudes and assumptions that act as barriers to protection
- to promote safe and accessible services

- to raise disabled children's awareness of abuse and ability to seek help including access to personal safety skills training
- for agencies to build on good practice and measures already in place that help ensure the effective delivery of child protection and criminal justice services for disabled children.

The NSPCC's role

The NSPCC has a key role in engaging stakeholders in order to define the challenges and opportunities for improving the protection of disabled children. It can use its capabilities as a service provider to develop practical solutions and campaign in partnership towards ensuring that learning is reflected in policy, guidance and practice across the nations.

Conclusion

Disabled children are at greater risk of abuse and significant barriers can exist to their safeguarding and wellbeing. Understanding a child's needs, building on their strengths, overcoming the barriers and developing innovative solutions for meeting the challenges will not only enhance the child's wellbeing and protection from abuse but will provide learning that may also be of benefit for non-disabled children.

Disabled children have an equal right to protection from abuse. Action from all stakeholders is needed to realise this. A child protection system that is effective for disabled children will be one that is effective for all children.

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Crewsaver

All photography apart from Ambassadors' photos by Jon Challicom. The children pictured are volunteers.

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