

Institutionalising parent blame

The experiences of disabled children and their families in their interactions with English children's services departments



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Programme

Welcome ~ Beverley Hitchcock, Cerebra;
Research & implementation (overview) Luke Clements and Ana Aiello (Leeds School of Law);
Parent carer commentary on implementation strategy:

- Louise Arnold: Parent and Carer Alliance
- Mandy Smith & Yvonne Hanson: Liverpool SEND Crisis
- Renata Blower: Special Needs Jungle

Discussion
Next steps

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L Clements & A L Aiello

Institutionalising parent carer blame (Cerebra 2021)

Cerebra Legal Entitlements and Problem-Solving (LEaP) Research Report



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Institutionalising parent carer blame

The experiences of families with disabled children in their interactions with English local authority children's services departments

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Special thanks to:

Colleagues who have contributed to the training and support of the student volunteers – namely, Derek Spinks, Beverley Hitchcock, Ciara Hughes, Derek Tiley and Sophie Champion (Cerebra); Priya Bhatti (Disability Law Service) and Hayley Brewer (BBC); and special thanks to the parents who provided video / webinar support to the research team. Finally, our thanks to colleagues who have read and provided feedback on earlier drafts of this report.

Expert Proof Reading by Marie Fitzgerald MA.

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Research & findings

Cerebra LEaP project (& partner projects) receives many distressing contacts from families with disabled children:

- Families who contacted their authority for support abd reported that they were treated as neglectful / inadequate parents;
- They were then sent on 'parenting courses';
- Assessors visited their homes and insisted on seeing the child's bedroom and interviewing them alone;
- Families left distraught and humiliated;

The research sought to identify the prevalence of this behaviour and why was it is happening.



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Why

Why do LAs

- Direct parents of disabled children to 'safeguarding' teams?



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Why

Why do LAs insist that:

- the disabled child be interviewed alone?
- their bedroom be inspected?
- there be 6 weekly home visits / and possibly one unannounced visit each year?

Why is 'parenting advice' or 'Early Help' considered the most appropriate (or 'only') response?

How can action of this kind be justified in terms of the fundamental human rights of families?

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Assessors 'routinely entering 'families' most intimate spaces': going 'right into the heart of families' inner space – into their bedrooms, bathrooms and kitchens'

H Ferguson 'Making home visits: Creativity and the embodied practices of home visiting in social work and child protection' *Qualitative Social Work* 2018, Vol. 17(1) 65–80 at 67.

The right to respect for private and family life, home and correspondence

There shall be no interference by a public authority with the exercise of this right except ...



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Research methods

- Analysis of the assessment protocols of 143 English children's services authorities; and
- A survey of 92 English parent carer-led support organisations.

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Key findings

- National / local policies create a default position for those assessing disabled children, that assumes parental failings.
- This approach locates the problems associated with a child's impairment in the family – a phenomenon referred to as 'institutionalising parent carer blame'.
- The national guidance 'Working Together 2018' is not fit for purpose and arguably unlawful.

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Key findings

- 'Working Together 2018' fails to address the distinct assessment and support needs of DC for whom there is no evidence of neglect or abuse.
- It contains no requirement that those assessing the needs of disabled children have any expertise in a particular condition – something that must be vital to ensure that the needs of the disabled child are accurately identified.

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Key findings

Of the 143 LA assessment protocols identified:

- None contained a clear explanation that a different approach should be taken concerning the assessment of the needs of disabled children where the referral was not accompanied by evidence of neglect or abuse;
- 80% required the assessor to confirm if the 'child's bedroom has been seen' regardless of whether there was any evidence of neglect or abuse;

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Key findings

- 87 per cent referred to the need of seeing (or communicating with) the children alone regardless of whether there was any evidence of neglect or abuse;
- None gave guidance to assessors concerning the need for cogent grounds to exist before seeking to see a child's bedroom or seeking to interview a child in the absence of their parent;
- Only 3% included a reference to a carer's needs assessment.

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Key findings

Parent carer support group survey (92 responses)

- 86% considered the assessment process extremely unsatisfactory and intrusive, highlighting:
 - Assessors' lack of training / understanding concerning the disability related challenges that disabled children and their families encountered;
 - The intimidating nature of the assessment process: a process that focussed on safeguarding / child protection and parental 'fitness' rather than the additional support needs that resulted from the child's impairment;

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Key findings

Parent carer support group survey (92 responses)

- The intrusive nature of the process, with families reporting that assessment visits could take place with little (or no) notice and that they were often placed in impossible positions.

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Action required

- Separate guidance to address the needs of disabled children and their families in the assessment, eligibility and care support planning process;
- Assessments to be undertaken by assessors who have the necessary knowledge and skills of the particular condition.
- Local protocols should cease to apply to disabled children and their families (for which there is no cogent evidence of neglect or abuse).

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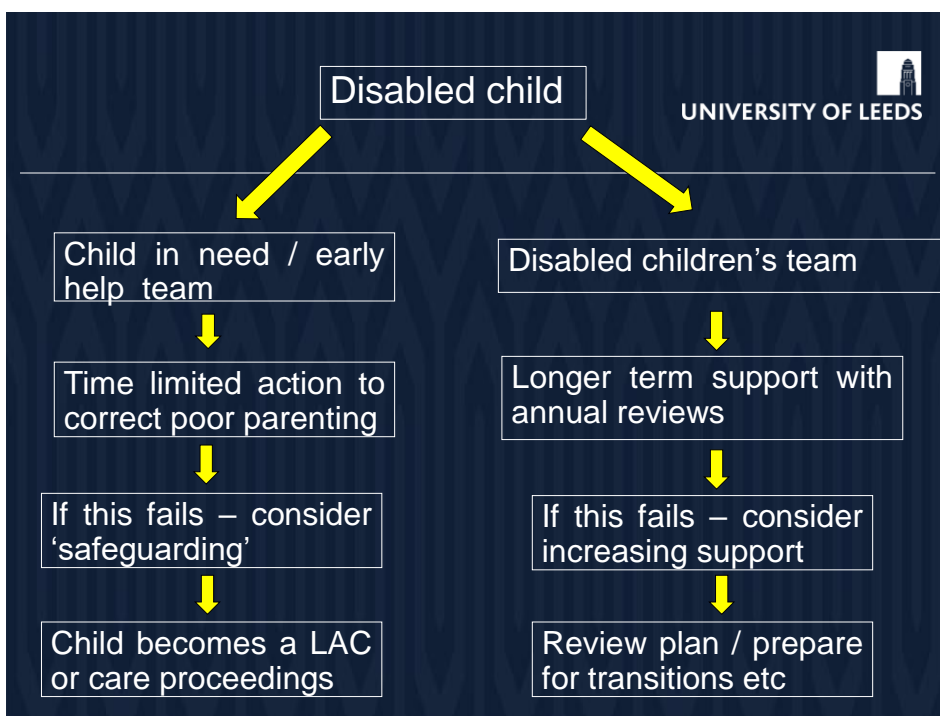
Disabled Children are 'different'

Treating disabled children simply as 'Children in Need' (due to neglect or abuse) means that they are often denied access to their legal entitlements;

Entitlements reserved for disabled children under the Chronically Sick and Disabled Persons Act 1970 and Children Act 1989;

It also amounts to unlawful discrimination.

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**Most LA criteria
misunderstand / misrepresent
this important distinction**

The slide has a dark blue background with a repeating geometric pattern. The University of Leeds logo is in the top right corner. The main text is centered and reads: 'Most LA criteria misunderstand / misrepresent this important distinction'.

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Early Help

Proposed by the Laming & Munro abuse enquiries.

Purpose is to provide help to prevent children who may be at risk of neglect or abuse becoming 'Children in Need'.

It cannot apply to disabled children because they are already 'Children in Need'.

Wholly inappropriate to:

- think that councils can 'prevent' disability or 'cure' it by a short term / time limited intervention
- locate the 'problems of disability' in a child's family.

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The result

Even where the sole reason for contact with children's social care was because of the social care needs of an autistic child, there was a tendency to use the social work assessment as an opportunity to judge parenting capacity through a child protection lens rather than through a lens of social care need. This has long been a complaint of families caring for disabled children.

Chief Social Workers for Adults & the
Chief Social Worker for Children and Families
A spectrum of opportunity (DoH 2021)

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The result

- *'a consistent theme in what the review has heard' is that families with disabled children felt 'that they are navigating a system that is set up for child protection, not support';*

The MacAlister review - The Case for change (2021).

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Institutionalising Parent Blame

Such action contravenes the Human Rights Act 1998

Article 8

The right to respect for private and family life and one's home; and

Article 14

Failing to treat people who are different 'differently' amounts to discrimination

Thlimmenos v Greece (2000)

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Implementation

Media impact (report published 21 July 2021)

- Regional BBC TV feature; BBC On-line report; BBC Radio 4 Woman's Hour feature; other programmes being considered;
- Social media / National NGO coverage;
- Individual family feedback;

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Implementation

Changing things at the 'coal face'

- Create awareness of the problem – using media;
- Support independent parent carer groups to have meaningful discussions with their councils to bring about changes in their policies and practices;
- Independent parent carer groups – developing a 'Doing it Differently' list of key changes required;
 1. Doing it Differently
 2. Awareness
 3. Accessibility
 4. Doing the best possible
 5. Commitment to change

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Implementation

Changing things at the 'coal face'

- Hosting Zoom discussions / webinars with local authorities and hopefully the DfE, LGA and ADCS etc;
- Direct engagement with the profession / commissioners – developing education / training programmes;
- Re-writing computer assessment / care planning programmes.
- The potential for litigation – local and involving the DfE;
- Continuing research eg: (1) FoI requests (training / awareness of staff); (2) Inaccessibility of information concerning the rights of disabled children and their families / the quality of 'Local Offer' pages.

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Local implementation

What might 'quick wins' look like? For example:

- Be kind / accessible/ welcoming / listening / ...
- Not refer disabled children to a MASH but to a distinct disabled children's team;
- Specify separate assessments for disabled children and families
- Focus on family support, not parental failings
- Reprogramme computer checklists – to ask questions that reflect new ethos of family support ...
- Have only one web document that is accessible, explains range of supports and the importance of PCNAs

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Implementation strategies and action

Louise Arnold: the Parent and Carer Alliance

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Implementation strategies and action

Mandy Smith & Yvonne Hanson:
Liverpool SEND Crisis

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Discussion

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Closing comments

Beverley Hitchcock, Cerebra.