

**FLBA CONFERENCE
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**REPRESENTING PARENTS WITH LEARNING DISABILITIES IN
CARE PROCEEDINGS**

**AN OVERVIEW OF THE LAW, TIPS AND TRAPS
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DEFINITIONS

Equality Act 2010

A disabled person is someone who has a mental or physical impairment that has a substantial and long-term adverse effect on that person's ability to carry out normal day to day activities

What 'substantial' and 'long-term' mean

'substantial' is more than minor or trivial, eg it takes much longer than it usually would to complete a daily task like getting dressed

'long-term' means 12 months or more, eg a breathing condition that develops as a result of a lung infection

DOH 2001 Valuing People. A 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"

Three core criteria;

- Significant impairment of intellectual functioning
- Significant impairment of adaptive/social functioning
- Age of onset before adulthood

Learning disability, not difficulty. Learning difficulty refers to people who since they were a child had a real difficulty in learning many things. Can include dyslexia.

USE OF PSYCHOMETRIC TESTING

A FSIQ of 69 and below is classified as extremely low and 70-79 is borderline. Low average is classified as between 80-89.

No clear relationship between IQ and parenting, unless it is below 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, writing, remembering and understanding, decision making and problem solving and this will create particular support needs

However a particular level of IQ should not be taken as the only defining characteristic of learning disability.

RELEVANT LEGISLATION

Human Rights Act 1998

S6 – it is unlawful for any public authority to act in a way which is incompatible with a Convention right

European Convention on Human Rights

Article 14- Right to enjoy rights within the convention without discrimination of any kind.

Article 8- Right to respect for private and family life. The state can only interfere with family life if it is necessary for the rights and freedoms of others (including children). Any interference with this right must be in accordance with the law, necessary and proportionate.

Re G [2003] 2 FLR 42 at [35], Munby J said “...Article 8 requires that parents are properly involved in the decision making process not merely before the care proceedings are launched and during the period when the care proceedings are on

foot.... but also- ..after the care proceedings have come to an end and whilst the local authority is implementing the care order .”

Article 6- Right to a fair hearing (includes ability to participate properly in court cases and the process leading to a court case- meetings, assessments, case conferences etc)

This is an absolute right

See Re L (Care: Assessment: Fair Trial) [2002] 2FLR 730

Equality Act 2010

Imposes a duty on local authorities to positively promote equality, not just to avoid discrimination.

Imposes a duty on LAs to make **reasonable adjustments** so as to eliminate discrimination and to advance equality of opportunity.

Introduces the **public sector equality duty= PSED**

The PSED requires courts, local authorities, Cafcass and any other public bodies involved, to have regard for any disadvantages or needs caused by any party having a protected characteristic, and address those needs

S.29 (1) A person (a service provider) concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service.

S29 (7) A duty to make reasonable adjustments applies to- (a) a service provider (and also see s55(7)) (b) a person who exercises a public function that is not the provision of a service to the public or a section of the public.

= Disabled individuals have the right to “reasonable adjustments” to ensure that they receive the same level of service as a non-disabled person.

S.149 sets out the public sector duty to advance equality of opportunity that parents with a learning disability can rely on;

S149 (1) A public authority must, in the exercise of its functions, have due regard to the need to- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity

between persons who share a relevant protected characteristic and persons who do not share it

Right to parenting support and services

United Nations Convention on the Rights of the Child, Article 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”

United Nations Convention on the Rights of Persons with Disabilities.

Ratified in the UK in 2009.

Article 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”

Article 23(4) protects the right of the child not to be removed on the basis of the disability of either the child or the parents.

“States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. 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”

Supporting parents under Children Act 1989 / Children and Families Act 2014

S17 Children Act 1989- duty on LA to promote the upbringing of children in need in their area by providing a range and level of services appropriate to those children’s needs

S17(1) and schedule 2 para 8

S25 Children and Families Act 2014- requires LAs to ensure that educational and training provision is integrated with health and social care provision , where this promotes the well-being of children or young people in the area with SEN or a disability or improves the quality of SEN provision.

S37 CFA 2014- provides for Education, health and care plans for those over 16, plus transition assessment in advance of turning 18. LA may continue to maintain EHC plan beyond 19 if requires additional time.

Supporting parenting within adult social care

Care Act 2014.

Followed the reform of adult social care and support legislation, setting out the new principle of promoting adults' wellbeing .

- Wellbeing- Local Authority decisions must promote the adult's wellbeing
- Preventative- Local Authorities must provide preventative services- ie services that help prevent, delay or reduce the development of care and support needs
- Integration- 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- Local Authorities are required to make available information about their services- in a clear and accessible format.
- Cooperation. General duty to co-operate between Local Authority and other organisations

A parent with a learning disability may be entitled to a package of long-term support

NEEDS ASSESSMENT

S9 Care Act- Assessment of an adult's need for care and support

- (1) where it appears to a local authority that an adult may have needs for care and support, the authority must assess (a) whether the adult does have needs for care and support, and (b) if the adult does, what these needs are.

PROVISION OF INDEPENDENT ADVOCATES

S67 Care Act 2014 imposes a duty on local authorities to arrange for an independent advocate to be available to represent and support certain persons for the purposes of facilitating those person's involvement in the exercise of functions by local authorities and in particular for assessments. The persons in question are those whom the local authority considers would otherwise experience significant difficulty in doing certain things such as interpreting information. They provide that local authorities must arrange an independent advocate to facilitate the involvement of a person in their assessment, in the preparation of their care and support plan and in the review of their care plan, if two conditions are met;

- (1) That if an independent advocate were not provided the person would have substantial difficulty in being fully involved in these processes, and

(2) There is no appropriate individual available to support and represent the person's wishes who is not paid or professionally engaged in providing care or treatment to the person or their carer.

This is supported by The Care and Support (Independent Advocacy Support) (No.2) Regulations 2014

DFES/DH Good practice guidance on working with parents with a learning disability.

Published June 2007- Followed on from the Valuing People White Paper in 2001.

Foreword states;

“Being a parent is a huge responsibility, and this guidance is about supporting people with learning disabilities to care for their children so that they are safe and secure. The underpinning theme is that people with learning disabilities have the right to be supported in their parenting role, just as their children have a right to live in a safe and supportive environment”

WTPN September 2016 update does not alter the basic guidance, but updates the relevant statutes-

Section 1 sets out the key features of good practice for children's and adult services, in working to support families affected by parental learning disability

Section 2 covers good practice where safeguarding procedures are necessary

Section 3- key guidelines for good practice in commissioning services

Guidance is relevant to care cases. Includes;

- Five key features of good practice in working with parents with learning difficulties;
 - (1) Accessible information and communication
 - (2) Clear and co-ordinated referral and assessment procedures and processes, eligibility criteria and care pathways

- (3) Support is designed to meet the needs of parents and children based on assessments of their needs and strengths
- (4) Long term support where necessary
- (5) Access to independent advocacy

ACCESSIBLE INFORMATION AND COMMUNICATION

Crucial. Without this, a parent cannot participate fully in the process.

- Emphasis on access to information for learning disabled parents
 - (1) Need for information to be accessible- pictures, easy read versions of documents, CDs, MP3, DVDs. Fully accessible websites.
 - (2) Need for professionals to ensure adults know about available support and are able to access it- preferably through face to face discussions.
 - (3) Few parents with learning disabilities are aware of the supports that they are entitled to. They may be frightened to ask for it.
 - (4) Accessible information should come from adult's services and children's services
 - (5) Good communication- including avoiding jargon, being respectful, being patient, making sure that the parent has enough time to take information on board- clear explanations, listening.
 - (6) This also applies to the court process- ie making allowance for more time for instructions to be taken on statements, allowing enough time for parents to be fully involved in assessments and care planning and allowing time during the proceedings for evidence to be explained/understood.
 - (7) Support the parents in understanding what is being discussed, through the use of an independent advocate.

CLEAR AND COORDINATED REFERRAL AND ASSESSMENT PROCEDURES AND PROCESSES, ELIGIBILITY CRITERIA AND CARE PATHWAYS

- There should be local protocols between the adult and children's services and health and social care. Sharing information, provision for joint funding etc. NB set out in 2007 and still not prevalent.
- Identification of needs should start when a pregnancy is confirmed. The Good Practice guide states that as a general rule, referrals relating to the needs of parents with learning disabilities should be directed to the LD services unless there are concerns about children's welfare, in which case a referral should also be made to children's social care
- It is very important that assessment is appropriate and proportionate and that assessors are appropriately trained with the relevant experience and knowledge to carry out the assessment.

ASSESSMENT PROCEDURES

Please refer to page 15 of the updated Guidance for the key elements of good practice in the assessment of parents with learning disabilities;

Whatever the type and level of assessment being carried out, the following are also key elements of good practice:

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 (see Resources section).

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.

SUPPORT IS DESIGNED TO MEET THE NEEDS OF PARENTS AND CHILDREN BASED ON ASSESSMENTS OF THEIR NEEDS AND STRENGTHS

- (1) Support should be based on, and adapted to, the learning needs of the parents. An assessment of the parent's learning needs and circumstances should inform the support provided to develop parenting skills **1.3.1**
- (2) There is a wide range of suggested supports, incl. Practical; parents' groups, courses, one-to-one support in parenting, practical support in the

home, behaviour support, shared care, short breaks, counselling, family planning etc. **1.3.3**

(3) Support should be available to help parents promote their child's welfare at different ages and in a variety of situations. **1.3.4**

(4) Importance of emotional support is emphasised- it helps parents to feel someone is on their side and help them to positively engage with other services **1.3.7**

(5) Children should be provided with support in their own right, particularly older children who may have taken on inappropriate parenting roles. **1.3.6**

LONG TERM SUPPORT WHERE NEEDED

Learning disability is for life

A need for long-term support does not mean that parents cannot look after their children **1.4.1**

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 **1.4.3**

ACCESS TO INDEPENDENT ADVOCACY AND TO SUPPORT FOR SELF ADVOCACY

- Advocacy. Independent advocacy should always be provided where children are the subject of a child protection plan and/or care proceedings instituted. **1.5.3**
- Advocacy and self-advocacy support should be made available to help parents access and engage with services

.....

- **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
- **Equality Act 2010** imposes a duty of 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
- **Article 6-** right to participate fully in a fair hearing, including pre-proceedings assessments and meetings- enabled with support of an advocate

.....

SECTION 2- WHERE SAFEGUARDING PROCEDURES ARE NECESSARY

Good practice will be promoted by;

- Clarity about rights, roles and responsibilities
- In-depth assessments
- Information sharing between agencies and professionals
- Involvement of parents and children and the provision of independent advocacy

PROMOTING CHILDREN'S BEST INTERESTS

- Children have the right to receive the necessary support, in order that they may remain living with their parents if possible

ENSURING EQUITABLE TREATMENT FOR PARENTS WITH LEARNING DIASABILITIES

- Unless sharing information would place a child at risk of significant harm, parents should be fully informed about and involved as much as possible in the whole process. They should be provided with whatever assistance may be required to enable them to understand what is happening and to express their views.

- Core assessments involving families affected by parental learning disability should always include specialist input concerning the impact of learning disability 2.2.4
- Assessments should address the possible vulnerability of the learning disabled parent and their own need to be protected from harm **2.2.5**
- Families affected by parental learning disability are likely to have an ongoing need for support.
- The test will be whether the parents could improve with support. They must be given sufficient opportunity for this to be tested.
- Where children are subject to a child protection plan, it is good practice to appoint a key-worker for the parent(s) with learning disabilities as well as a key worker for the children. Both should be part of the core group and have expertise, or access to expertise, in supporting families affected by parental learning disability **2.2.8**
- 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 **2.2.12**
- Parents should only be judged on whether they have complied with any requirements if it can be shown that:
 - (i) They were given clear information about what was required of them

(ii) The necessary support has been made available to them

2.2.10

- 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 **2.2.13**
- Placement with extended family members should always be considered **2.2.14**- either shared care or permanent placement.
- Where possible, foster care placements should be made with carers who have experience and/or training in working in partnership with parents with LD **2.2.15**
- Local Authorities should make **reasonable adjustments** to procedures in relation to care proceedings in order to avoid discrimination against parents with learning disabilities. **2.2.17**
- Parents should have access to both emotional and practical support when the child protection process concludes with children being removed. Parents should be supported to avoid the situation where they conceive another child without their parenting support needs being addressed. **2.2.18**
- The Guidance emphasises support, whether there are ongoing proceedings or not.

CARE PROCEEDINGS AND PARENTS WITH A LEARNING DISABILITY

CHECKLIST

- Cognitive assessment
- Has the parent been recognised as a parent with a LD- is the criteria met for support within the LD team. Has there been a Care Act 2014 assessment of need.
- What liaison is there between the CP and Adult teams
- Procedure before any proceedings are issued must be fair. Proper consultation, support and assessment.
- Once proceedings are issued- does the parent have capacity to instruct a solicitor.
- Has the LA provided an independent advocate
- Are special measures necessary to ensure the fair participation of the parent- as a vulnerable party and witness. Refer to Advocates' Toolkit and Ground Rules Hearing. Is an intermediary needed.
- Assessments before/during the proceedings must be conducted in accordance with the guidance- by someone appropriately trained. NB the test is whether the parent with a LD can manage with support.
- Consider whether any assessments can fairly be conducted to allow for the proceedings to be completed in 26 weeks- or get the deadline extended.
- Conduct of any hearing- Ground Rules/special measures
- Support before, during and after the proceedings

OFFICIAL SOLICITOR

Acts for parents who have no litigation capacity, through mental health issues or learning disability.

Recent study "Getting it right in time; parents who lack litigation capacity in care proceedings" July 2017 , Plymouth University

PAMS ASESMENTS

Should be two parts-

Assessment of parenting capacity- designed to highlight parenting strengths and gaps which require specialist training and long-term support to enable a parent to meet a "good enough" standard of parenting.

Once the necessary training has been completed and the long-term support needs met, the PAMS assessment must be repeated to see if the parent can meet the good enough standard of parenting, with appropriate support.

Use of intermediaries and special measures/support

Parent with a learning disability = vulnerable witness-

Advocates Gateway- Toolkit for vulnerable witnesses and parties

PSED includes the duty on the courts to make reasonable adjustments to facilitate the participation of the parents with a learning disability.

Intermediaries

RESOURCES THAT MAY SUPPORT PARENTS

- Shared Lives (although refer S (A Child) [2017 EWCA Civ 249
- Mencap- please see helpful article by Gillian Geddes in September FLW “Public Law Clients with Learning Disabilities- Bridging the Gap”
- Grace Eyre Foundation

CASE LAW

YC v UK [2012] 55 EHRR 33 . Para 134;

Care and placement order made for an 8 year old boy. Mother appealed. At para 134;

“The Court reiterates that in cases concerning the placing of a child for adoption, which entails the permanent severance of family ties, the best interests of the child are paramount (see *Johansen v. Norway*, 7 August 1996, § 78, *Reports of Judgments and Decisions* 1996-III; *Kearns v. France*, no. 35991/04, § 79, 10 January 2008; and *R. and H.*, cited above, §§ 73 and 81). In identifying the child’s best interests in a particular case, two considerations must be borne in mind: first, it is in the child’s best interests that his ties with his family be maintained except in cases where the family has proved particularly unfit; and second, it is in the child’s best interests to ensure his development in a safe and secure environment (see *Neulinger and Shuruk*, cited above, § 136; and *R. and H.*, cited above, §§ 73-74). It is clear from the foregoing that family ties may only be severed in very exceptional circumstances and that everything

must be done to preserve personal relations and, where appropriate, to “rebuild” the family (see *Neulinger and Shuruk*, cited above, § 136; and *R. and H.*, cited above, § 73). It is not enough to show that a child could be placed in a more beneficial environment for his upbringing (see *K and T.*, cited above, § 173; and *T.S. and D.S.*, cited above). However, where the maintenance of family ties would harm the child’s health and development, a parent is not entitled under Article 8 to insist that such ties be maintained (see *Neulinger and Shuruk*, cited above, § 136; and *R. and H.*, cited above, § 73).”

In the matter of D (a child) (No.3) [2016] EWFC 1
Decision of the President of the Family Division

Summary

D had been made the subject of a care order in 2012 with a care plan for placement at home with a high level of support. M has a mild learning disability. F represented by OS. In 2014 the LA gave the parents notice that they planned to move him to foster care. He was moved after a contested hearing. Parents sought to discharge the Care order. LA sought adoption. This case is described by the President as one of the most difficult he has ever had to decide. The parents had done nothing wrong and had not harmed D. But the court found that the plan for the parents to care with a high level of support was not manageable. The LA sw is described as doing everything possible to keep D in the family. The President made a Placement Order.

The arguments advanced by the parents will not be replicated here. Please read the judgment.

But this case is significant, because of the President’s endorsement of the comments by a judge in a N. Irish case, *Re G and A*. He urges all professionals dealing with cases involving a parent with a LD to read it. This decision has been sent to all judges.

Extracts of note;

[25] In a case such as this it is vitally important always to bear in mind two well-established principles. The first is encapsulated in what the Strasbourg court said in *Y v United Kingdom* (2012) 55 EHRR 33, [2012] 2 FLR 332, para 134: "family ties may only be severed in very exceptional circumstances and ... everything must be done to preserve personal relations and, where appropriate, to 'rebuild' the family. *It is not enough to show that a child could be placed in a more beneficial environment for his upbringing.* However, where the maintenance of family ties would harm the child's health and development, a parent is not entitled under article 8 to insist that such ties be maintained (emphasis added)."

[26] The second is encapsulated in the well known passage in the judgment of Hedley J in *Re L (Care: Threshold Criteria)* [2007] 1 FLR 2050, para 50:

"society must be willing to tolerate very diverse standards of parenting, including the eccentric, the barely adequate and the inconsistent ... it is not the provenance of the state to spare children all the consequences of defective parenting. In any event, it simply could not be done."

- [27] This leads on to the profoundly important of observations of Gillen J, as he then was, sitting in the Family Division of the High Court of Justice in Northern Ireland, in *Re G and A (Care Order: Freeing Order: Parents with a Learning Disability)* [2006] NIFam 8, para 5. So far as I am aware, his decision has never been reported, but the transcript is freely available on the BAILII website.
- [28] Gillen J referred to a number of papers and reports, including "Finding the Right Support", a research paper from Bristol University's Norah Fry Research Centre funded and published by the Baring Foundation in 2006. He continued:
 "A reading of these documents leads me to set out a number of matters which I feel must be taken into account by courts when determining cases such as this involving parents with a learning disability particularly where they parent children who also have a learning disability." He then set those matters out in eight numbered paragraphs. Although lengthy, they are so important that they require quotation in full. Accordingly, I set them out in an Annex to this judgment. I respectfully agree with everything said by Gillen J. I commend his powerful words to every family judge, to every local authority and to every family justice professional in this jurisdiction.
- [29] Gillen J's words require to be read in full, but two passages set the tone:
 "(2) People with a learning disability are individuals first and foremost and each has a right to be treated as an equal citizen. Government policy emphasises the importance of people with a learning disability being supported to be fully engaged playing a role in civic society and their ability to exercise their rights and responsibilities needs to be strengthened. They are valued citizens ... (4) This court fully accepts that parents with learning difficulties can often be "good enough" parents when provided with the ongoing emotional and practical support they need. The concept of "parenting with support" must underpin the way in which the courts and professionals approach wherever possible parents with learning difficulties ... judges must make absolutely certain that parents with learning difficulties are not at risk of having their parental responsibilities terminated on the basis of evidence that would not hold up against normal parents. Their competences must not be judged against stricter criteria or harsher standards than other parents."
- [30] All that said, as I made clear in *In re R (A Child) (Adoption: Judicial Approach)* [2014] EWCA Civ 1625, [2015] 1 WLR 3273, para 44:

"Where adoption is in the child's *best* interests, local authorities must not shy away from seeking, nor courts from making, care orders with a plan for adoption, placement orders and adoption orders. The fact is that there are occasions when nothing but adoption will do, and it is essential in such cases that a child's welfare should not be compromised by keeping them within their family at all costs."

...

[159] Standing back, I return to the questions I posed at the outset: Given that these are parents who the local authority, the guardian and the court agreed in November 2012 were able to provide their son D with good enough parenting, given that that conclusion was endorsed by the local authority on 3 February 2014 after careful evaluation and in the light of a very careful core assessment completed as recently as 29 January 2014, What has happened? What has changed? Why is the local authority now proposing, and why am I agreeing to, something so radically different?

[160] The answer, in my judgment, is to be found in a telling phrase used by the guardian and a question posed by Ms Fottrell. As long ago as November 2012 the guardian had described the local authority's plan as "courageous". The sad reality is that it turned out to be too courageous. Ms Fottrell, as we have seen, posed the question of whether the reason D was removed in March 2014 was because the necessary support had not been provided by the local authority or because the local authority's expectations of the parents had turned out to be unrealistic. In my judgment it was the latter. Despite the very intensive support provided by the local authority, it gradually became apparent, contrary to everyone's hopes and expectations, that the parents were not able to manage. Matters came to a head in March 2014 when, in effect, if one wants to put it this way, MB admitted defeat and realised that her, and her colleagues', hopes and expectations were not going to be, in reality could not be, achieved.

[161] This, as I said at the outset, is a desperately, indeed, a wrenchingly, sad case. D's parents are devoted to him and have always wanted to do, and have done, their very best for him. They would never harm him, and have never done so. They are not in any way to blame. They are not to be criticised. It is not in any sense their fault. They have struggled against great odds to be, as they would want to be, the best possible parents for D. But ultimately it has proved too much for them. Their own difficulties are simply too great. My heart goes out to them.

Annex

Extract from the judgment of Gillen J in *Re G and A (Care Order: Freeing Order: Parents with a Learning Disability)* [2006] NI Fam 8, para 5:

"(1) An increasing number of adults with learning difficulties are becoming parents. The Baring Foundation report records that whilst there are no precise figures on the number of parents with learning difficulties in the population, the most recent statistics come from the First National Survey of Adults with Learning Difficulties in England, where one in fifteen of the adults interviewed had children. Whatever the figure it is generally recognised that their number is steadily rising and that they represent a sizable population whose special needs require to be adequately addressed. The Baring Foundation report refers to national policy in England and Scotland committing government to "supporting parents with learning disabilities in order to help them, wherever possible, to ensure their children gain maximum life chance benefits." Nonetheless the courts must be aware that surveys show that parents with learning disabilities are apparently more likely than other parents to have their children removed from them and permanently placed outside the family home. In multidisciplinary jurisdiction such as the Family Division, it is important that the court is aware of such reports at least for the purposes of comment. It is important to appreciate these currents because the Children Order (Northern Ireland) 1995 places an emphasis on supporting the family so that children can remain with them and obligations under disability discrimination legislation make public services accessible to disabled people (including parents with learning difficulties). Moreover the advent of the Human Rights Act 1998 plays an important role in highlighting the need to ensure the rights of such parents under Articles 6 and 8 of the European Convention of Human Rights and Fundamental Freedoms ("the Convention")."

(2) People with a learning disability are individuals first and foremost and each has a right to be treated as an equal citizen. Government policy emphasises the importance of people with a learning disability being supported to be fully engaged playing a role in civic society and their ability to exercise their rights and responsibilities needs to be strengthened. They are valued citizens and must be enabled to use mainstream services and be fully included in the life of the community as far as possible. The courts must reflect this and recognise their need for individual support and the necessity to remove barriers to inclusion that create disadvantage and discrimination. To that extent courts must take all steps possible to ensure that people with a learning disability are able to actively participate in decisions affecting their lives. They must be supported in ways that take account of their individual needs and to help them to be as independent as possible.

(3) It is important that a court approaches these cases with a recognition of the possible barriers to the provision of appropriate support to parents including negative or stereotypical attitudes about parents with learning difficulties possibly on the part of staff in some Trusts or services. An extract from the Baring Foundation report provides a cautionary warning: "For example, it was felt that some staff in services whose primary focus was not learning difficulties (eg in children and family teams) did not fully understand the impact of having learning difficulties on individual parents' lives; had fixed ideas about what would happen to the children of parents with learning difficulties and wanted an outcome that did not involve any risks (which might mean them being placed away from their family); expected parents with learning difficulties to be 'perfect parents' and had extremely high

expectations of them. Different professionals often had different concepts of parenting against which parents were assessed. Parents' disengagement with services, because they felt that staff had a negative view of them and 'wanted to take their children away' was also an issue, as were referrals to support services which were too late to be of optimum use to the family – often because workers lacked awareness of parents' learning difficulties or because parents had not previously been known to services".

(4) This court fully accepts that parents with learning difficulties can often be "good enough" parents when provided with the ongoing emotional and practical support they need. The concept of "parenting with support" must underpin the way in which the courts and professionals approach wherever possible parents with learning difficulties. The extended family can be a valuable source of support to parents and their children and the courts must anxiously scrutinize the possibilities of assistance from the extended family. Moreover the court must also view multi-agency working as critical if parents are to be supported effectively. Courts should carefully examine the approach of Trusts to ensure this is being done in appropriate cases. In particular judges must make absolutely certain that parents with learning difficulties are not at risk of having their parental responsibilities terminated on the basis of evidence that would not hold up against normal parents. Their competences must not be judged against stricter criteria or harsher standards than other parents. Courts must be acutely aware of the distinction between direct and indirect discrimination and how this might be relevant to the treatment of parents with learning difficulties in care proceedings. In particular careful consideration must be given to the assessment phase by a Trust and in the application of the threshold test.

(5) Parents must be advised by social workers about their legal rights, where to obtain advice, how to find a solicitor and what help might be available to them once a decision has been taken to pursue a care application. Too narrow a focus must not be placed exclusively on the child's welfare with an accompanying failure to address parents' needs arising from their disability which might impact adversely on their parenting capacity. Parents with learning disabilities should be advised of the possibility of using an advocate during their case eg from the Trust itself or from Mencap and clear explanations and easy to understand information about the process and the roles of the different professionals involved must be disclosed to them periodically. Written information should be provided to such parents to enable them to consider these matters at leisure and with their advocate or advisers. Moreover Trusts should give careful consideration to providing child protection training to staff working in services for adults with learning disabilities. Similarly those in children's services need training about adults with learning disabilities. In other words there is a strong case to be made for new guidelines to be drawn up for such services working together with a joint training programme. I endorse entirely the views of the Guardian ad Litem in this case when she responded to the "Finding the Right Support" paper by stating: "As far as I am aware there are no 'family teams' in the Trusts designated to support parents with a learning disability. In my

opinion this would be a positive development. The research also suggests that a learning disability specialist could be designated to work within family and childcare teams and a child protection specialist could be designated to work within learning disability teams. If such professionals were to be placed in the Trusts in Northern Ireland they could be involved in drawing up a protocol for joint working, developing guidelines, developing expertise in research, awareness of resources and stimulating positive practice. They could also assist in developing a province-wide forum that could build links between the Trusts, the voluntary sector and the national and international learning disability community."

(6) The court must also take steps to ensure there are no barriers to justice within the process itself. Judges and magistrates must recognise that parents with learning disabilities need extra time with solicitors so that everything can be carefully explained to them. Advocates can play a vital role in supporting parents with learning difficulties particularly when they are involved in child protection or judicial processes. In the current case, the court periodically stopped (approximately after each hour), to allow the Mencap representative to explain to the parents what was happening and to ensure that an appropriate attention span was not being exceeded. The process necessarily has to be slowed down to give such parents a better chance to understand and participate. This approach should be echoed throughout the whole system including LAC reviews. All parts of the Family justice system should take care as to the language and vocabulary that is utilised. In this case I was concerned that some of the letters written by the Trust may not have been understood by these parents although it was clear to me that exhortations had been given to the parents to obtain the assistance of their solicitors (which in fact was done). In terms therefore the courts must be careful to ensure that the supposed inability of parents to change might itself be an artefact of professionals ineffectiveness in engaging with the parents in appropriate terms. Courts must not rush to judge, but must gather all the evidence within a reasonable time before making a determination. Steps must be taken to ensure that parents have a meaningful and informed access to reports, time to discuss the reports and an opportunity to put forward their own views. Not only should the hearing involve special measures, including a break in sessions, but it might also include permission that parents need not enter the court until they are required if they so wish. Moreover the judges should be scrupulous to ensure that an opportunity is given to parents with learning disabilities to indicate to the court that something is occurring which is beyond their comprehension and that measures must be taken to deal with that. Steps should also be taken throughout the process to ensure that parents with learning disabilities are not overwhelmed by unnecessarily large numbers of persons being present at meetings or hearings.

(7) Children of parents with learning difficulties often do not enter the child protection system as the result of abuse by their parents. More regularly the prevailing concerns centre on a perceived risk of neglect, both as the result of the parents' intellectual impairments, and the impact of the social and economic deprivation commonly faced by adults with learning difficulties. It is in this context

that a shift must be made from the old assumption that adults with learning difficulties could not parent to a process of questioning why appropriate levels of support are not provided to them so that they can parent successfully and why their children should often be taken into care. At its simplest, this means a court carefully inquiring as to what support is needed to enable parents to show whether or not they can become good enough parents rather than automatically assuming that they are destined to fail. The concept of "parenting with support" must move from the margins to the mainstream in court determinations.

(8) Courts must ensure that careful consideration is given to ensuring that any decision or judgment is fully explained to such parents. In this case I caused a copy of the judgment to be provided to the parties at least one day before I handed it down to facilitate it being explained in detail before the attendance at court where confusion and consternation could be caused by a lengthy judgment being read which the parents could not follow at the time."

Re L (Care:Threshold Criteria) [2007] 1FLR 2050

Hedley J. Case remitted for rehearing by the CA in 2006. M with severe learning difficulties, represented by the OS. F had partial, not global learning difficulties. Unable to read the papers in the proceedings. Old incident of sexual abuse by a third party. Children removed because of allegation of chastisement of children with a belt. At the retrial, the LA sought care orders, relying on the impact of alleged domestic violence on the children, on the behaviour of the children now aged 10 and 7, the general family dynamics during contact, and on the significant improvements experienced by the children at school since the removal. It was acknowledged that both parents had had positive and loving relationships with the children. Application dismissed. Starting point was that children should be brought up in their families. Behaviour observed during contact which had taken place after removal and which post-dated the relevant date for establishing threshold, was capable of providing a source of relevant evidence. Improvements experienced since removal could also be taken into account, although it would be very surprising if no changes were apparent following removal from parents with low intellectual functioning. The authority had good reason to be concerned about the children and their circumstances; there had been violence inflicted on the mother by the father on at least two occasions; contact records showed a clear lack of boundaries and a very worrying attitude

displayed from time to time by the children towards the mother, which the father had encouraged. But the harm was not enough to meet the threshold which could lead to permanent separation. Hedley reverts to Re KD and comments that it is not the business of the state to spare all children the consequences of defective parenting.

Re B-S [2013] EWCA Civ 1146

Munby P reinforces the position set out in Re B [2013] that the severance of family ties through adoption without parental consent is a draconian one that requires the highest level of evidence, also consistent with the court taking the least interventionist approach when intervening on a statutory basis in family life. The court must consider all available options, and carry out a holistic analysis, including a proper balancing exercise looking at all the realistic options as well as a proportionality analysis. **Courts should also consider the support Las are able to offer the parents in making their decision.** Adoption is only the right option for a child when it is the most realistic option.

Court endorses the need for a parenting assessment by a specialist with training in assessing parents with a learning disability

M v Neath Port Talbot CBC [2010] EWCA Civ 821

LD parent with litigation capacity. Judge at first instance refused application for specialist parenting assessment. M's appeal against care and placement orders not actively opposed by LA and Guardian. CA allowed the appeal and remitted the case for re-hearing, with an early directions hearing to determine who should do a specialist parenting assessment.

Parents represented by the OS

Re M (A child) (Assessment: Official Solicitor) [2009] EWCA Civ 315

Mother a minor, represented by the OS and incapable of conducting her own litigation.

Successful appeal against judge's refusal of OS application for papers to be released to a unit for the purposes of a viability assessment and to a child and adolescent psychiatrist. In refusing the applications for a further assessment and a viability assessment, the judge at first instance had prevented the mother from accessing a fair forensic process.

Re B (Children) [2010] EWCA Civ 363

Parents with LD represented by the OS, who sought to instruct a child and family psychiatrist. There was already a report from Symbol and a consultant psychiatrist in learning difficulties. Appeal allowed. CA sett out an “exceptional circumstances” test for refusing the application by the OS for a further assessment.

Kent CC v A Mother [2011] EWHC 402

Case concerned fact-finding hearing where allegations of sexual abuse.

Baker J also highlighted various "alarming" matters that had come to light about the practices and procedures of the LA in the hope that lessons might be learned in the future. These included the lack of compliance with "Good Practice Guidance on Working with Parents with a Learning Disability"; failure to take steps that might have prevented DM's abuse; "deplorable" breach of duty to comply with statutory obligations as to private fostering arrangements; "incomprehensible" approval of W's placement with U; "seriously deficient" record keeping procedures, and "wholly unsatisfactory" disclosure.

“Parents with learning difficulties

132. The last thirty years have seen a radical reappraisal of the way in which people with a learning disability are treated in society. It is now recognised that they need to be supported and enabled to lead their lives as full members of the community, free from discrimination and prejudice. This policy is right, not only for the individual, since it gives due respect to his or her personal autonomy and human rights, but also for society at large, since it is to the benefit of the whole community that all people are included and respected as equal members of society. One consequence of this change in attitudes has been a wider acceptance that people with learning disability may, in many cases, with assistance, be able to bring up children successfully. Another consequence has been the realisation that learning disability often goes undetected, with the result that persons with such disabilities are not afforded the help that they need to meet the challenges that modern life poses, particularly in certain areas of life, notably education, the workplace and the family.

133. To meet the particular difficulties encountered in identifying and helping those with a learning disability in the family, the government published in 2007 "Good Practice Guidance on Working with Parents with a Learning Disability". In their closing submissions, Miss Ball and Miss Boye contended that such good practice guidance is required because there is little evidence of effective joint working between adult and children's services and practitioners in each area rarely have a good working knowledge of the policy and legislative framework within which the other is working. They submitted that local authorities frequently do not take account of the fact that, if children are to be enabled to remain in their own families, a specialist approach to a parent with a learning disability is absolutely central to any

work that is done, any protection which is offered and any hope of keeping the family together. The 2007 guidance points out, inter alia, that a specialised response is often required when working with families where the parent has a learning disability; that key features of good practice in working with parents with a learning disability include (a) accessible and clear information, (b) clear and co-ordinated referral and assessment procedures, (c) support designed to meet the parent's needs and strengths, (d) long-term support where necessary, and (e) access to independent advocacy; that people may misunderstand or misinterpret what a professional is telling them so that it is important to check what someone understands, and to avoid blaming them for getting the wrong message; that adult and children's services and health and social care should jointly agree local protocols for referrals, assessments and care pathways in order to respond appropriately and promptly to the needs of both parents and children; and that, if a referral is made to children's services and then it becomes apparent that a parent has a learning disability, a referral should also be made to adult learning disability services. The guidance also stresses that close attention should be paid to the parent's access needs, which may include putting written material into an accessible format, avoiding the use of jargon, taking more time to explain things, and being prepared to tell parents things more than once.

134. The Guidance contains much more important advice, but I have selected the passages cited above because it is manifestly clear that, in this case, Kent County Council failed to comply with those passages of the Guidance on many occasions. That is hardly surprising, because the clear impression I formed from the evidence of the social workers called to give evidence in the hearing is that they were completely unfamiliar with the Guidance. If there are local learning disability protocols in existence in Kent, none of the social workers called in this case was aware of them. SW, who was district manager of children's services in the area where the family lived, had not read the Guidance. She said in evidence that she was prepared to trust in a good social worker's inherent ability to recognise when a learning disability issue arose and refer the matter to the learning disability team. This is exactly the sort of complacent attitude that the Guidance was designed to address. In the light of Mr Robins' report, it is now clear that the mother suffers from a learning disability. In the thousands of pages of social service records devoted to this family, there are hardly any references to that fact. For example, there is nothing to indicate that the workers who dealt with the family at the time of the move into bed and breakfast accommodation in November 2006, or with W's move to live with David Mason in July 2008, were aware of the mother's difficulties. It is right to acknowledge that SF, a junior worker employed by ARC, noticed and noted that the mother presented as having learning disabilities. That makes it all the more striking that so many of her senior colleagues failed to notice or note it. T3, the teacher who had known the family for many years, specifically referred to the mother's disability at the strategy meeting on 10th September 2009. The social worker, BR, then working with the family attended that meeting. Later that day, a discussion took place between BR, and the mother in which the mother was persuaded to allow the children to be voluntarily accommodated. There is no indication that any steps were taken at that

crucial meeting to ensure that the mother was given proper assistance before agreeing that her children should be taken into care. In his submissions in response to Miss Ball, Mr Kirk cites the package of intensive support offered to the family, and to the statement filed by LD, senior social worker involved with the family from 2004 until the move in November 2006, in which she refers to the mother as someone who since 2001 has presented as a vulnerable single parent who experienced significant difficulties in meeting the day to day needs of her children. But strikingly there is no reference to the mother's learning disability in that evidence. As Mr. Kirk and Miss Morris concede, given her evident learning difficulties, a referral to the adult learning disabilities team should have been made at an early stage in social services' involvement with the family.

135. Kent County Council needs urgently to review its practice concerning parents with learning disabilities. 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. The Guidance issued by central government needs to be followed. In a statement filed in these proceedings, the Director of the Specialist Children's Services Group in the local authority, tells me that work has begun on developing a policy in relation to learning difficulties, which will be completed in 2011, and that, in the meantime, she will ensure that all staff are reminded of the Guidance and of the need to seek appropriate specialist assessments. I would like to be kept informed of the progress of this work. In addition, I shall be carefully scrutinising the future work carried out with the mother and F in the remainder of these proceedings to ensure that the Guidance is followed appropriately. "

Re A (A Child) [2013] EWHC 3502 (Fam)

Judgment in retrial of a fact finding hearing. Guidance given for such hearings when one or other of the parents suffers from a learning disability.

Baker J referred to his comments in the Kent case and gave the following guidance when dealing with parents who suffer from a learning disability:

(a) There is duty on those acting for the parent(s) to identify their client's need for assistance in responding to questions and giving instructions, which must be considered by representatives at the outset of their instruction. Any need for support must be addressed at the earliest opportunity.

(b) When this is known prior to the outset of proceedings, on issuing, local authorities should draw the issue of competence and capacity to the court's attention. In turn, on the day following issue, the court will give directions for the appointment of a litigation friend. The new PLO envisages that in those circumstances the court should

give directions for special measures at the case management hearing to take place by day 12 of the proceedings.

(c) When the issue of capacity and competence is not identified at the outset, it should be addressed fully at the case management hearing. At that hearing, those representing the parents should apply for special measures, where the case for such measures can be made out without any expert advice. Alternatively, where expert advice is necessary to identify the existence or extent of the learning difficulties, they should make an application in accordance with Part 25 of the FPR for an expert to carry out an immediate assessment of the capacity and competence of the party.

(d) The legal representatives should normally by the date of the case management hearing identify an agency to assist their client to give evidence through an intermediary or otherwise if the court concludes that such measures are required. If the court is satisfied that an expert report is necessary to determine whether the party lacks capacity or competence and/or as to the extent of any special measures required, it may direct a further case management hearing to take place once the expert has reported so that detailed directions can then be given for the instruction of an intermediary and/or such other assistance as may be necessary.

(e) So far as funding is concerned, there is a distinction between the cost of obtaining a report from an expert as to capacity and competence, and the cost of providing services from an intermediary. The former will, subject to the approval of the legal aid agency, whereas the latter, as a type of interpretation service, will be borne by the Court Service. Those representing the relevant party should address these funding issues at the earliest opportunity. They should obtain prior approval from the legal aid agency for the instruction of the expert and, as soon as possible, give notice to Her Majesty's Courts and Tribunal Service that the services of an intermediary are likely to be required.

Medway Council v A and Others [2015] EWFC B66

Despite the comments of Baker J, HHJ Lazarus was very critical of the actions of the LA in the Medway case, that also involved evidence of false allegations by foster carers and abuse of section 20;

[106] It is clear that the purpose of the 2007 DoH Good Practice Guidance, namely to ensure that appropriate steps are taken to ensure services and training are in place to meet the needs of parents with disabilities, has yet to be met in Medway; and there appears to have been little if any awareness of the DoH Good Practice Guidance's recommendations shown by Medway's practice in this case.

[107] In order to comply with their duties under s17 Children Act 1989 and

in accordance with the good practice set out in the Guidance, this SW, her managers and this local authority should have:

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- (1) Immediately made a referral to the adult services Learning Disability team and worked together with them to benefit from their advice, training, experience and resources;
- (2) Triggered an assessment of Mother's abilities via the Learning Disability team;
- (3) Ensured the appointment of an adult care SW for Mother:
- (4) Identified and provided a specialist resource within a short period of time, in order to assess the Mother, and her and the family's needs for support;
- (5) As soon as the parents expressed complaints about the placement, if not before, provided her with details of how to complain;
- (6) Investigated more fully the support options available from Father, friends and family.

[108] I have already dealt with their inappropriate obtaining and reliance on a section 20 agreement, and consider that the case should have been dealt with either by way of intensive Learning Disability support that would then been unlikely to have required section 20 to be employed and/or by the issue of proceedings to ensure that proper legal advice and representation was available to the family.

S (A Child) [2017] EWCA Civ 249.

Mother with a LD and EUPD. M and baby in foster placement for 14 months. Foster carer described as giving the Mother support to parent the child. The M was said to need heavy supervision/ intensive support on a full-time basis. M proposed that she could live in the community with the support of Shared Lives. Shared Lives would not provide foster care for the child. At [16] Lord Justice McFarlane states; “..*the difficulty with the mother’s case in relation to Shared Lives, and indeed it is a difficulty that she faces in relation to all of the other options, is that either because of the rules of the Shared Lives organization itself, or more generally, it could not be*

contemplated that the court would endorse a placement in a Shared Lives home unless the court concluded that the mother could safely parent her child."

Appeal dismissed

NB- contrast with the case described in the article by Gillian Geddes "Public Law Clients with Learning Disabilities- Bridging the Gap" Family Law Week September 2016. Mother successfully opposed the making of a placement order. She had a rota of support from Mencap, funded by the Adults with Learning Disabilities team...

TIME LIMITS IN CARE PROCEEDINGS

S14 Children and Family Act 2014 introduced the 26 week time limit for completing care proceedings- by amending s32 Children Act 1989.

Circumstances in which an extension to the 26 weeks is available

Re S (A Child) [2014] EWCC B44 (Fam)

Judgment by President in care proceedings in which the mother applied for an assessment under s 38(6) of the Children Act 1989. Consideration of Children and Families Act 2014 s 38(7A) and (7B) and the scope for extending the 26 week time limit. Application dismissed.

This judgment provides useful guidance from the President concerning expert evidence and scope for extending the 26 week time limit in care proceedings in the light of the introduction of the Children and Families Act.

*"29. More recently, in **Re NL (A child) (Appeal: Interim Care Order: Facts and Reasons) [2014] EWHC 270 (Fam)**, para 40, Pauffley J has expressed the point in words which I cannot improve upon and which I wholeheartedly endorse: "Justice must never be sacrificed upon the altar of speed."*

30. So despite the imperative demand of section 32(1)(a)(ii), there can be exceptions. But before going further it is vital to recall the equally imperative language of sections 32(5) and 32(7). An extension beyond 26 weeks is to be permitted only if it is "necessary to enable the court to resolve the proceedings justly". This is precisely the same language as appears in section 38(7A) of the 1989 Act and section 13(6) of the

2014 Act, so it must mean the same. Specifically, the learning in *Re TG* and in *In re H-L* must, in my judgment, apply as much to section 32(5) of the 1989 Act as it does to section 38(7A) of the 1989 Act and section 13(6) of the 2014 Act. Moreover, extensions are "not to be granted routinely" and require "specific justification."

31. In what circumstances may the qualification in section 32(5) apply?

32. This is not the occasion for any elaborate discussion of a question which, in the final analysis, can be determined only on a case by case basis. But some preliminary and necessarily tentative observations are appropriate.

33. There will, as it seems to me, be three different forensic contexts in which an extension of the 26 week time limit in accordance with section 32(5) may be "necessary":

i) The first is where the case can be identified from the outset, or at least very early on, as one which it may not be possible to resolve justly within 26 weeks. Experience will no doubt identify the kind of cases that may fall within this category. Four examples which readily spring to mind (no doubt others will emerge) are (a) very heavy cases involving the most complex medical evidence where a separate fact finding hearing is directed in accordance with ***Re S (Split Hearing) [2014] EWCA Civ 25***, [2014] 2 FLR (forthcoming), para 29, (b) FDAC type cases (see further below), (c) cases with an international element where investigations or assessments have to be carried out abroad and (d) cases where the parent's disabilities require recourse to special assessments or measures (as to which see ***Re C (A Child) [2014] EWCA Civ 128***, para 34).

ii) The second is where, despite appropriately robust and vigorous judicial case management, something unexpectedly emerges to change the nature of the proceedings too late in the day to enable the case to be concluded justly within 26 weeks. Examples which come to mind are (a) cases proceeding on allegations of neglect or emotional harm where allegations of sexual abuse subsequently surface, (b) cases which are unexpectedly 'derailed' because of the death, serious illness or imprisonment of the proposed carer, and (c) cases where a realistic alternative family carer emerges late in the day."

Re C [A Child] [2014] EWCA Civ 128

The Court of Appeal remitted a fact-finding hearing for re-hearing in a case involving a deaf parent. Lord Justice MacFarlane set out the importance of providing BSL interpretation in pre-court meetings and assessments. Made clear at para 36 that proceedings should not be driven by the 26 week timetable where this is incompatible with an effective and meaningful assessment due to disability

36. *Finally, in drawing these matters together, all that I have said is not simply good practice in order to achieve a more informed and focused result for a child. The court as an organ of the state, the local authority and CAFCASS must all function now within the terms of the Equality Act 2010. It is simply not an option to fail to afford the right level of regard to an individual who has these unfortunate disabilities.*

USEFUL RESOURCES

Working Together with Parents Network (WTPN)
Revised guidance is found at www.wtpn.co.uk
Original 2007 Guidance now archived.

Advocates' Gateway- Toolkit for vulnerable witnesses
www.theadvocatesgateway.org

Communicourt/Triangle- Intermediary assessments for Ground Rules Hearings

Mencap
Shared Lives
Grace Eyre Foundation