

Safeguarding Children with Disabilities

Policy and Practice Guidance

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1. Introduction

The East Riding Safeguarding Children Partnership recognises that the presence of a disability increases the vulnerability of children to abuse and neglect. This is a position that is well evidenced in research and reflected across the breadth of legislation, statutory guidance, and agency policies and procedures. Children with disabilities are also less likely to receive the protection and support they need when they have been abused. A disability can reduce the capacity of children to recognise that abuse is taking place and to seek help and support.

Where there are concerns about the welfare of a child with disabilities, they should be acted upon in the same way as with any other child. Expertise in both safeguarding and promoting the welfare of child and disability has to be brought together to ensure that children with disabilities receive the same levels of protection from harm as other children.

Where the words 'child' or 'children' are used in this document, the meaning is 'child and young person' or 'children and young people'.

2. The Law

The Children Act 1989 s17(1) creates a general duty on children's services authorities to safeguard and promote the welfare of children within their area who are 'in need'. So far as is consistent with this duty, children's services authorities must promote the upbringing of such children by their families.

The definition of 'children in need' is to be found at CA 1989 s17(10), which provides that a child is to be taken as 'in need' if....

(c) he is disabled.

At subsection (11) the definition of 'disabled' for the purposes of CA 1989 Part III is given as follows:

'For the purposes of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed'.

The Equality Act 2010 defines a person with a disability as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. The definition of disability encompasses a broader range of impairments than might be commonly assumed, including children on the autistic spectrum, those with Tourette's syndrome and those with communication difficulties.

3. Vulnerabilities

Many factors can make a child with disabilities more vulnerable to abuse than their peers of the same age. Safeguarding children with disabilities demands a greater awareness of their vulnerability, individuality and particular needs. Children with disabilities may be especially vulnerable to abuse for a number of reasons. Some children with disabilities may:

- Have fewer outside contacts than other children;

- Receive intimate care possible from a number of carers, which may increase the risk of exposure to abusive behaviour and make it more difficult to set and maintain physical boundaries;
- Have an impaired capacity to recognise, resist or avoid abuse;
- Have communication difficulties that may make it difficult to tell others what is happening;
- Be inhibited about complaining for fear of losing services;
- Be less able to defend themselves and advocate for themselves;
- Be more vulnerable than other children to abuse by their peers;
- Have behaviours indicative of abuse interpreted by professionals as a part of their impairment or health condition;
- Be dependent on parents and carers for meeting their practical and medical needs increasing their risk of exposure to abusive behaviour;
- Be in the presence of chronic parental stress increasing the risk of abusive or neglectful parenting.

4. Additional areas of vulnerability

Residential settings

Children who are looked after away from their families, in specialist residential, health or education provision, face increased risk of abuse due to their reliance on others to meet day to day care needs. Children with disabilities living away from home in poorly managed settings are particularly vulnerable to over medication, poor feeding and toileting arrangements, issues around control of challenging behaviour, lack of stimulations and emotional support. As is made clear in the Child Safeguarding Practice Review Panel 2022 report “Safeguarding children with disabilities in residential settings” professionals working with or with responsibility for children in these settings need to have full awareness these risks and vulnerabilities and act upon concerns.

Harmful Sexualised Behaviour

Children with learning disabilities have a higher likelihood of being accused of displaying harmful sexualised behaviour towards peers. Professionals working with them should ensure that they are aware of the ERSCP Child Harmful Sexual Behaviour policy [here](#).

Contextual Safeguarding

Children with complex needs and disability also have an increased risk of suffering harm through abuse linked to contextual safeguarding, and in the online space. A disability can reduce the capacity of children to recognise that abuse is taking place and to seek help and support. As such professionals working with children with disabilities should have a good understanding of the [ERSCP Child Extrafamilial Risk Procedures and Guidance](#).

5. Signs and indicators of abuse

In addition to the universal indicators of abuse/neglect, the following abusive behaviours must be considered for children with disabilities:

- Force feeding;
- Unjustified or excessive physical restraint;

- Rough handling;
- Extreme behaviour modification including the deprivation liquid, medication, food or clothing;
- Misuse of medication, sedation, heavy tranquillisation;
- Invasive procedures against the child's will;
- Deliberate failure to follow medically recommended regimes;
- Non-compliance with programmes or regimes;
- Failure to address ill-fitting equipment e.g. callipers, sleep boards which may cause injury or pain, inappropriate splinting;
- Misappropriation/misuse of a child's finances.

6. Barriers to the identification of abuse and neglect

There are additional barriers to the identification of abuse and neglect of children with disabilities that professionals should be aware of:

- The child's dependence on carers could result in the child having a problem in recognising what is abuse;
- Carers and staff may lack the ability to communicate adequately with the child;
- A lack of continuity in care leading to an increased risk that behavioural changes may go unnoticed;
- Lack of access to 'keep safe' strategies available to others;
- Parents'/carers' own needs and ways of coping may conflict with the needs of the child;
- Professional sympathy for carers who are seen as 'doing their best';
- developmental delay seen as a symptom of the condition and not due to a lack of stimulation and encouragement;
- bruises attributed to reasonable restraint and changes in behaviour not seen as an indicator that something is wrong;
- Children with disabilities are less likely to be consulted in matters affecting them and as a result may feel they have no choice about whether to accept or reject sexual advances.

7. Communication issues

Where a child with disabilities has communication impairments or learning disabilities, special attention should be paid to communication needs, and to ascertain the child's perception of events, and his or her wishes and feelings. All professionals working with children with disabilities should be aware of nonverbal communication systems, when they might be useful and how to access them. Research in Practice (2016) gives the following guidance on considering communication with children with disabilities:

- start from the assumption that all children and young people can and do communicate
- get to know the children and young people that we are working with and the communication systems they use
- give children and young people enough time to communicate
- be willing to learn from the child or young person about how they prefer to communicate and take the time to understand what we as practitioners can do to support that child and the barriers to that child's communication
- give children and young people clear, simple and accessible information in a format that best works for them – no jargon

- don't making assumptions about what a child or young person is saying - check that you have understood

8. Safeguarding principles

Children with disabilities are children first and foremost, and have the same rights to protection as any other child. People caring for and working with children with disabilities need to be alert to the signs and symptoms of abuse. Children with disabilities must be responded to as individuals with their own specific needs, feelings, thoughts and opinions. Particular attention should be paid by ERSCP agencies to promoting a high level of awareness of the risks of harm and to securing high standards of practice among professionals and practitioners. Attention should also be given to increasing the capacity of children and their families to safeguard themselves at all times.

The ERSCP shared principles for safeguarding children disabilities include:

- Making it common practice to enable children with disabilities to make their wishes and feelings known in respect of their care and treatment;
- Ensuring that children with disabilities receive appropriate personal, health and social education (including relationships and sex education);
- Promoting the capacity of all children with disabilities to know how to raise concerns and give them access to a range of adults with whom they can communicate.
- Recognising and utilising all possible sources of support and information which may be of benefit to the child
- Ensuring that there is an explicit commitment to and understanding of the safety and welfare of children with disabilities among all providers of services used by children with disabilities;
- Developing the safe support services that families want, and a culture of openness and joint working with parents and carers;
- Ensuring that all relevant staff receive guidelines and training on: good practice in intimate care; working with children of the opposite sex; managing behaviour that challenges families and services; issues around consent to treatment; anti bullying and inclusion strategies; sexuality and safe sexual behaviour among young people and monitoring and challenging placement arrangements for young people living away from home.

9. Acting on Concerns

Concerns about the welfare of a child with disabilities should be acted upon in the same way as any other child in accordance with the ERSCP Effective Support Guidance. The same thresholds for action apply. Expertise and resources in both safeguarding and promoting the welfare of children and in working with disability have to be brought together to ensure that children with disabilities receive the same levels of protection from harm as other children. Other specialist workers or teams may become involved in the investigative process, for example the Send 0-25 or children with disabilities teams, to support a full understanding of needs and concerns.

10. Challenging carers

Carers are relied upon (whether family or paid carers) as a source of information about children with disabilities and to interpret and explain behaviour or symptoms. Professional staff can potentially feel out of their depth in terms of knowledge of a child with disabilities's impairment, where the familiar developmental milestones may not apply. When assessing risks to a child with disabilities, an additional/different approach is required because of their vulnerability. Children with disabilities should

not be left in situations where there is a high level of neglect or other forms of abuse, because a professional feels the parent, carer or service "is doing their best". Carer will need to be challenged in the same way as carers of all other children.

11. Assessment Process

Throughout the single assessment process, including a section 47 enquiry, all service providers must ensure that they communicate clearly with the child with disabilities and the family and with one another as there is likely to be a greater number of services and staff involved than for other children. All steps must be taken to avoid confusion so that the welfare and protection of the child remains the focus. Where there are communication impairments or learning difficulties, particular attention should be paid to the communications needs of the child to ascertain the child's perception of events and his or her wishes and feelings.

In the case of criminal investigations children's social care services and the police should be aware of non-verbal communication systems and should know how to contact suitable interpreters and facilitators. Agencies must not make assumptions about the inability of a child with disabilities to give credible evidence, or to withstand the rigours of the court process. Each child should be assessed carefully and supported where relevant to participate in the criminal justice system when this is in their interests as set out in Achieving Best Evidence which includes comprehensive guidance on planning and conducting interviews with children and a specific section about interviewing children with disabilities.

12. Allegations against staff and volunteers working with children with disabilities

In the event of allegations being made against an employee or a volunteer involving a child/young person with complex needs and disability, the safeguarding children policies and procedures of the agency. need to be instigated. This includes This includes referring such allegations to the East Riding of Yorkshire Council Local Authority Designated Officer (LADO). In addition, the procedures for managing allegations against people who work with children in Chapter two of Working Together to Safeguard Children (2018) should be adhered to. Details of the East Riding of Yorkshire Council Local Authority Designated Officer (LADO) service can be found [here](#).

13. Key messages for multi-agency practice

- Think Family --Where there are abuse/neglect allegations relating to a child with complex needs and disability, the safeguarding needs of any siblings living in the family home also need to be considered.
- Where the parents of a child/young person with complex needs and disability have a disability themselves, arrangements also need to be put in place to accommodate their needs throughout the investigation/assessment process.
- Where there are allegations of abuse and a child with complex needs and disability is alleged to have committed these, investigations need to be handled with sensitivity. A duty of care should be shown to both the victim and the child/young person who is alleged to have committed these.
- All assessment, whether single agency, early help or social work led should be undertaken with sensitivity and an informed understanding of the needs of a child with complex needs and disability. This includes taking into consideration matters such as the venue for the interview/s; the care needs of the child/young person; whether additional equipment or facilities are required; who should conduct the interview and whether someone with specialist skills in the child/young person's preferred method of communication needs to be involved.

- The number of carers and professionals involved with a child/young person with complex needs and disability should be established as well as where the care is provided and the relevant information they hold.
- The collating of medical information concerning the health needs of the child/young person is vital as it may have a bearing on the outcome of any enquiry/investigation.
- Where there is a need for a medical examination, consideration needs to be given to the most appropriate medical professional who should undertake the examination, the venue, timing and the child's ability to understand the purpose of the medical procedure.
- Where there is to be a police investigation into allegations of abuse or neglect of a child with complex needs and disability, those undertaking such investigations should not make presumptions about the ability of a child/young person with complex needs and disability to give credible evidence.

The key questions to ask when assessing a child/young person with complex needs and disability, is:

“Would I consider this option if the child/young person did not have complex needs and disability?”

13. Training

The ERSCP delivers “Safeguarding Children with a Disability” training regularly throughout the year. This training is available to book through the Enable Learner Management System (<https://eastridingscp.vc-enable.co.uk/>).

14. Related ERSCP Policies, Procedures and Guidance

Effective support for children, young people and families in the East Riding of Yorkshire
Guidance for all practitioners in working together to support families and safeguard children.
<https://www.eastriding.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=781555>

Assessment Protocol

<https://downloads.eastriding.org.uk/erscp/docs/policies/Early%20help/Assessment%20Protocol.pdf>

Child Development Tool

<https://downloads.eastriding.org.uk/erscp/docs/policies/Child%20Development%20Tool.pdf>

Child Extrafamilial Risk Procedures and Guidance

<https://downloads.eastriding.org.uk/erscp/docs/policies/Child%20Extrafamilial%20Risk%20Procedures%20and%20Guidance.pdf>

ERSCP Neglect Practice Guidance 2021-2024

<https://downloads.eastriding.org.uk/erscp/docs/policies/ERSCP%20Neglect%20Practice%20Guidance%202021-2024.pdf>

Hidden Harm Procedures and Guidance

<https://downloads.eastriding.org.uk/erscp/docs/policies/Hidden%20Harm%20Procedures%20and%20Guidance.pdf>

Vulnerability and Risk in Young Children Managing Injuries to Non-Independently Mobile Children

<https://downloads.eastriding.org.uk/erscp/docs/policies/Vulnerability%20and%20Risk%20in%20Young%20Children%20Managing%20Injuries%20to%20Non-Independently%20Mobile%20Children.pdf>

15. Additional reading

Child Safeguarding Practice Review Panel

Safeguarding children with disabilities in residential settings

National safeguarding practice review into safeguarding children with disabilities and complex needs in residential settings.

<https://www.gov.uk/government/publications/safeguarding-children-with-disabilities-in-residential-settings>

Council for Disabled Children

Children's rights to communicate their views and be listened to

<https://hillingdonsafeguardingpartnership.org.uk/wp-content/uploads/2021/09/Council-for-Disabled-Children-Rights-to-be-listened-to.pdf>

Department for Education

Safeguarding disabled children: practice guidance

<https://www.gov.uk/government/publications/safeguarding-disabled-children-practice-guidance>

Department for Education

Working together to safeguard children 2018

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

National Working Group on Safeguarding Disabled Children

Safeguarding Disabled Children in England

How Local Safeguarding Children Boards are delivering against Ofsted requirements to protect disabled children: findings from a national survey

<https://www.anncrafttrust.org/wp-content/uploads/2019/08/safeguarding-disabled-children-england.pdf>

Ofsted

Protecting disabled children: thematic inspection (2012)

Ofsted survey report looking at the effectiveness of work to protect disabled children and young people.

<https://www.gov.uk/government/publications/protecting-disabled-children-thematic-inspection>

16. Resources for practitioners

Council for Disabled Children

Top Tips for professionals to support children and young people to participate in their EHC plan (co-developed with disabled children and young people and those with special educational needs)

<https://councilfordisabledchildren.org.uk/resources/all-resources/filter/information-and-advocacy-families/top-tips-professionals-support>

NSPCC

Safeguarding d/Deaf and disabled children | NSPCC Learning

<https://learning.nspcc.org.uk/SAFEGUARDING-CHILD-PROTECTION/DEAF-AND-DISABLED-CHILDREN>

RESEARCH IN PRACTICE

Communicating with children and young people with speech, language and communication needs and/or developmental delay- P Shaw, 2016

<https://www.researchinpractice.org.uk/children/news-views/2016/september/communicating-with-children-and-young-people-with-speech-language-and-communication-needs-andor-developmental-delay/>