

# ACT BULLETIN

- ◆ **Best practice in safeguarding people with learning disabilities in residential care and supported living services**
- ◆ **Couples with learning disabilities face unfair wedding bar**
- ◆ **Are Celebrities Untouchable?**

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# THE ANN CRAFT TRUST

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## Editor's Note

**Deborah  
Kitson**

I am pleased to say that despite all the sporting distractions of recent weeks we have managed to complete Edition 88 of the ACT bulletin. As I write this the papers are bursting with the main headlines – 7-1! Yes I am writing this the day after Brazil was knocked out of the semis in the World Cup. Maybe I am alone in thinking that other matters are somewhat more concerning – but then again I can, given the opportunity, watch hour after hour of Wimbledon....

This quarter has seen a number of issues relating to safeguarding including the Care Act receiving Royal Assent and the opening of the consultation in relation to its draft guidance.

The Act introduces a new duty for authorities to promote wellbeing in all decisions regarding an individual's care needs, and assessments must consider the whole family. Local authorities will also have to guarantee preventative services which could help reduce or delay the development of care and support needs. The Act directs public services to provide advice and information, continuity of care and inter-professional working. It puts safeguarding on a statutory footing for the first time, and extends the role of advocacy.

We would urge as many of you as possible to take part in the consultation and in particular with reference to section 14 relating to safeguarding. In our view changes are required including further clarity about roles and responsibilities and a tightening of definitions.

We have also seen the responses from Local Authorities and third sector organisations to the challenge of the 'new' definition of Deprivation of Liberty following the recent Supreme Court ruling back in April. This work is both challenging and ongoing and has initiated much discussion about where DoL's sits with regard to duty of care and best practice. I know we will be hearing more about this in the coming months and we will keep you updated.

And in June we saw the publication of the 'Special educational needs and disability code of practice: 0 to 25 years - Statutory guidance for organisations which work with and support children and young people with special educational needs or disabilities'. This Code of Practice provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations and applies to England. It relates to children and young people with

special educational needs (SEN) and disabled children and young people. A 'young person' in this context is a person over compulsory school age and under 25.

In this edition of the bulletin we have a number of articles and news pieces. Rachel Fyson, Associate Professor here at the university and a colleague of ours, has written about 'Best practice in safeguarding people with learning disabilities in residential care and supported living services'. These new guidelines for staff working in residential care and supported living services for people with learning disabilities are based on the findings from a research study which involved the Ann Craft Trust. The guidelines are aimed at support staff who may have limited knowledge of adult safeguarding.

We also have a contribution from Frances Ryan who looks at how too often professionals are quick to make ill-informed judgments about the capacity of people with a learning disability to marry or have sexual relations in her article 'Couples with learning disabilities face unfair wedding bar'.

Matt Parr writes about 'Are Celebrities Untouchable?' He discusses how it seems incredulous, with hindsight, that the abuse was allowed to happen and how now we strive to create a process that simultaneously tries to eradicate the past and to learn from it. He acknowledges the challenge that faces all of us - to find the balance between being able to raise concerns without also seeing abuse everywhere.

We hear about 'Charities call for police training on mate crime' and the need to train every police force in the UK to spot the signs of "mate crimes". And Peter Edwards writes about 'When should local authorities stop people having sex' which takes an interesting look at when it may be appropriate for society to intervene paternalistically in a decision or decisions that individuals make as to their sexual relations.

There is news about our new publication and about our seminar and AGM which will be held in November – we do hope that you will be able to join us that day. ACT has had a very busy quarter with increased demand for training and consultation and working on our current project looking at the sexual exploitation of people with learning disabilities. We have also enjoyed our continued work in the sports sector which even allowed me the opportunity to have a go at Boccia with the Paralympic team! We are always looking to develop our training so please do contact us if you have specific training requirements and would like us to work with you to develop a

bespoke course for your organization.

Editor's Note

As ever we are grateful for your support and would love to hear from you - don't forget that if you are doing anything in your organisation that is related to safeguarding and ensuring best practice and that you would like to share with others get in touch and we can feature it in our next bulletin.

# Best practice in safeguarding people with learning disabilities in residential care and supported living services

Rachel Fyson  
and Anne  
Patterson

*These new guidelines for staff working in residential care and supported living services for people with learning disabilities are based on the findings from a research study which involved the Ann Craft Trust. The guidelines are aimed at support staff who may have limited knowledge of adult safeguarding. A more detailed version of the guidelines, which includes quotes from research participants, can be found on the ACT website at [www.anncrafttrust.org](http://www.anncrafttrust.org)*

## Introduction

These guidelines are based on the findings from a research study. The research started by speaking to adults with learning disabilities and their families. We asked what people liked or disliked about the support they received. We used what they told us as the basis for interviews with 56 front-line workers (frontline managers, senior care-workers, full-time and part-time care-workers) in residential care and supported living services. These included a range of different organisations across England. The research found that staff were keen to give the right support to people with learning disabilities. It also found that staff were often confused about the difference between good practice, poor practice and abuse. The research showed that staff found it difficult to discuss abuse and poor practice with the other people they worked with. And it found that staff can find it hard to speak up about abuse or poor practice.

**... staff were often confused about the difference between good practice, poor practice and abuse.**

These guidelines cannot tell you exactly what to do in every situation, but they can help you to think about:

- i) How you approach your work
- ii) The impact your actions have upon people with learning disabilities
- iii) How you can help your team to become better at talking about abuse and poor practice

## Roles and responsibilities

**Preventing abuse and poor practice is everyone's business. Everyone has a part to play in safeguarding the people you work with from abuse and poor practice.**

### ***Support workers/care-workers/personal assistants***

These are the people who have the most contact with service users. Every support worker must take personal responsibility for making sure that their work is of the highest standard. They

**Everyone has a part to play in safeguarding the people you work with from abuse and poor practice.**

should be open to feedback from others about how their work could be improved. If they see examples of poor work practices among other staff they should speak out against this and report any abuse or poor practice to their line manager.

Rachel Fyson and  
Anne Patterson

### ***Frontline managers***

They are the people who directly manage support workers. They set the standard for how support is provided. These staff members need to spend time working alongside support workers, modelling best practice, leading by example and mentoring staff in effective safeguarding practices. They should have an 'open door' policy for staff to raise concerns. They should also help the staff team to talk about how to prevent abuse and poor practice.

**... spend time working alongside support workers, modelling best practice, leading by example ...**

### ***Senior organisational managers***

They are likely to have less direct contact with service users, but they still have an important role. Senior managers must make sure that the right policies and procedures are in place. They must employ enough staff to ensure a good standard of service. Their role includes following up allegations of abuse or poor practice. It also includes making sure that staff work in line with the right policy and procedures.

## **Recognising Abuse and Poor Practice**

### ***What is abuse?***

Abuse occurs when *harm* is caused to an individual or group – the harm may be caused by a single incident or by an ongoing situation. Harm may also be caused by the effect of organisational practices on the lives of service users.

Abuse may include physical harm; theft; financial abuse; neglect; sexual abuse; discrimination; emotional or psychological harm; or misuse of medicine. It has a negative impact on the health and well-being of those who are harmed.

### ***What is poor practice?***

Poor practice takes place whenever staff fail to provide a good standard of care and support. It occurs when staff ignore the rights of service users or deny them the chance to enjoy an ordinary life. Poor practice which is allowed to continue can cause harm and can become abuse.

**Poor practice takes place whenever staff fail to provide a good standard of care and support.**

### ***Is there a difference between poor practice and abuse?***

Abuse and poor practice are closely linked, and poor practice may become abuse. One-off incidents of poor practice differ from abuse in that they may be unintentional, do not cause any lasting harm and most short-term harm can be quickly put right.

### ***When can abuse or poor practice occur?***

Abuse may take place in any situation where one individual or group has power or control over another individual or group. There is always the potential for abuse and poor practice in services for people with learning disabilities because staff have the opportunity to have a high degree of control over the lives of service users.

### **Thinking About Your Work**

**It is everyone's job to work in ways which respect service users. Talking with other staff about how you work can help everyone to do their job better. It can also help to prevent abuse or poor practice.**

This will involve:

- Listening to what service users and their families have to say about the care and support they are given
- Learning from mistakes and one-off incidents of poor practice
- Giving staff the chance to talk about their work and to learn from one another about how best to support individual service users
- Making sure that staff get the right training to do their job well
- Giving staff regular supervision and opportunities to talk about their work
- Giving new staff time to get to know the care plans for each service user and to get to know the organisation's policies and procedures

### **Recording the Right Information**

Record-keeping can play an important part in making sure that service users get high quality care and support. **Good care plans mean that staff can understand the needs of each service user.** Communication books help to make sure that staff working on different shifts are working as a team. Individual log books or end of shift reports help to give a picture of the service users' day. Matters which need follow-up can be noted.

It is important to **make sure that you are recording the right kind of information.** For example, it is more important to record whether someone is happy or sad than to write down what clothes they chose to wear or what they ate for lunch.

Accurate records can help to identify abuse and poor practice. For this to happen, **it is important that records are reviewed.** This means looking back over several weeks or months to see if a pattern of behaviour can be seen.

Rachel Fyson and  
Anne Patterson

**It is everyone's job to work in ways which respect service users.**

**Accurate records can help to identify abuse and poor practice.**

If an incident has taken place which you think could be abuse it is important that you record what happened. After any incident you should write down what you saw as soon as possible. What you write should describe what happened and not describe your feelings about what happened. Other people who saw what happened should also write down what they saw. Different people may have seen different things.

### **Reporting Concerns**

**Support workers** must report any abuse or poor practice to their manager. If the abuse or poor practice carries on then support workers should report their concerns to a more senior manager. Support workers can report their concerns directly to the local authority Adult Safeguarding team or directly to the Care Quality Commission.

**Frontline managers** must give staff clear guidance about how to do their job. If poor practice does take place, managers must tell staff what has to be done differently. If abuse takes place, frontline managers must report this to senior managers. Frontline managers can report their concerns directly to the local authority Adult Safeguarding team or directly to the Care Quality Commission.

**If abuse takes place, frontline managers must report this to senior managers.**

**Senior organisational managers** must take action when they are told that abuse may have taken place. They must report all alleged abuse to the local authority Adult Safeguarding team. They must help the Adult Safeguarding team with any investigation. If staff are found to have abused service users they will face disciplinary action. If a crime has been committed then staff may be suspended while the police investigate.

**If staff are found to have abused service users they will face disciplinary action.**

**Local Authority Adult Safeguarding teams** have to investigate when it is thought that someone may have been abused. They can ask for staff to be suspended from work while they investigate the abuse. The local authority will report allegations of abuse to the police if they think that a crime has been committed.

**CQC (Care Quality Commission)** is the regulator for residential care homes in England. It sets standards which must be upheld by all care homes and home care services. The CQC has the power to shut down services which do not meet the required standards. [www.cqc.org.uk](http://www.cqc.org.uk)

**Disclaimer:** These guidelines are derived from independent research commissioned/funded by the NIHR School for Social Care Research. The views expressed in this document are those of the authors and not necessarily those of the NIHR School for Social Care Research or the Department of Health, NIHR or NHS [www.sscr.nihr.ac.uk](http://www.sscr.nihr.ac.uk)

## Couples with learning disabilities face unfair wedding bar

Frances Ryan

Professionals quick to make ill-informed judgments about the capacity of people with a learning disability to marry or have sexual relations, say campaigners



Sarah Thompson Drayton, above left, and her husband Daniel, marry in 2013, after a long struggle with adult social care services.

Sarah Thompson Drayton sings me the hymn she walked down the aisle to last summer, as her mum, Lesley Thompson, looks on proudly in the family home in Poole, Dorset.

It was a hard-fought battle to get there. Both the 34-year-old bride and her groom, Daniel Drayton, 26, have severe learning disabilities and for almost a year, their local adult social care services tried to stop them from marrying.

"They said Daniel could be charged with raping Sarah. They told us our vicar could be in trouble too," says Thompson.

Six months after the local authority's adult social care team were first notified about Thompson Drayton's wedding, she received a capacity assessment. The assessment was carried out against her and her mother's wishes. It was designed to determine whether she was sufficiently able to have sexual relations and get married without a high risk of abuse or exploitation.

She failed the assessment, despite the assessors acknowledging

**...for almost a year, their local adult social care services tried to stop them from marrying.**

that she had a strong understanding of relationships and marriage.

Frances Ryan

According to section 1 of the Mental Capacity Act, a person must be assumed to have capacity until it is established that they do not, and a person is not to be treated as unable to make a decision unless "all practicable steps", such as speaking to the person at the time of day when they are most alert and in the setting they are most comfortable in, perhaps with family present to reassure them, have been taken without success, explains Alex Rook, a partner at Irwin Mitchell, a law firm specialising in mental-capacity and community-care law.

"We often find, however, that the opposite is true and people assume that because someone has a learning disability, they will therefore lack the capacity to marry or to have sexual relations," says Rook.

**... because someone has a learning disability, they will therefore lack the capacity to marry ...**

Dan Scorer, head of policy at Mencap, accuses Poole council of an "invasive assessment when there was very little evidence that it warranted that".

He says its action reflects a much wider issue of professionals' poor grasp of the Mental Capacity Act. "There's often little or no awareness of the act or how to use it," he points out.

Mencap's chief executive, Jan Tregelles, says: "For someone with a learning disability to have their right to marry so seriously interfered with is not only heartbreaking for the couple and their families, but a denial of their basic human rights. Professionals and wider society are too quick to make prejudiced and ill-informed judgments about what people with a learning disability can and can't do.

**Professionals and wider society are too quick to make prejudiced and ill-informed judgments ...**

Sexual health charity FPA ran a campaign a few years ago to highlight the rights of people with learning disabilities to have relationships. Its education services manager, Mark Breslin, says that professionals fear being tied into the consequences if something goes wrong in a relationship.

The fight for the right to marry is part of a wider battle for people with learning disabilities to have a family. Mencap has launched parent pioneers, a Department of Health-funded project, to help local authorities support parents with learning disabilities, who are up to 50 times more likely than other parents to have their children taken into care.

**... shows the prejudice around disabled people's right to a family ...**

"It powerfully shows the prejudice around disabled people's right to a family," says Scorer. "Marriage, children, relationships

– these issues overlap... It's all assumptions over the capacity and capabilities of disabled people."

Frances Ryan

It was intervention from Mencap and a legal precedent from a 2004 case in Sheffield of a couple with learning disabilities marrying that made Poole adult social care services relent in its opposition. The happy couple married two months later in August 2013.

"Sarah knew exactly what she wanted for her wedding. She even knew she wanted to keep her surname," says Thompson. Her daughter smiles widely. "I had a perfect wedding. Daniel wore a red bow tie. I wore a lovely wedding dress and I had white and red flowers."

**Her daughter smiles widely. "I had a perfect wedding ..."**

"I like being married," she adds, sitting in the small flat above the family garage that the couple have moved into.

David Vitty, head of adult social care services at Poole council, says: "Whilst we do not comment on individual circumstances, we consider every case on an individual basis. We work closely with clients, their family members and professionals to ensure that any recommendations are fully informed, and consider the feelings of those involved. The decision to allow weddings like this to proceed is generally taken by those performing the ceremony – our role is to provide support and advice.

He adds: "It is absolutely right that people with a learning disability are free to exercise choice about their future. The local authority does, however, have a duty to protect vulnerable people from exploitation or harm. When we support people to make life-changing decisions such as whether to get married, it is important to know that all parties understand the nature of the commitment they are making."

Thompson says of the couple's struggle to wed: "My daughter had a right to fall in love like anyone else."

*Originally published in the Guardian and reproduced with their kind consent.*

## Are Celebrities Untouchable?

Matthew Parr

With the recently published investigations into Jimmy Savile's relationship with, and power over, Stoke Mandeville Hospital, Leeds General Infirmary and Broadmoor Hospital – alongside the news that Rolf Harris has been found guilty on 12 counts of indecent assault – our cultural consciousness seems pre occupied with the horrific scale of abuse. So much of the recent press coverage on Savile's crimes and the subsequent Operation Yewtree investigation has been focused on both the numbers of victims and timescale that Savile and Harris (as well as Max Clifford and Stuart Hall) committed these crimes. However the informal debate amongst friends and colleagues has often focused on the how and why these people were allowed to take advantage of their celebrity positions in such a horrendous way.

The response to the uncovering of the abuse has been one of revulsion and anger. Savile, in particular, was afforded the opportunities to abuse because of his status as a renowned charity worker. His idiosyncrasies were often seen as an acceptable part of an eccentric but ultimately caring character; a celebrity who raised millions for the disadvantaged and gave up his personal time to care for the sick. The rumours of predatory sexual abuse that circled his reputation and threatened his iconic status were drowned out by his knighthood, his charity walks and royal connections. Reprinted online in June, the Independent on Sunday, published an interview between the journalist Lyn Barber and Savile (if you get the opportunity the article is well worth reading). The interview covered Savile's upbringing, his charity work and his then recent knighthood. Lyn Barber also asked him about the rumours that he was a serial abuser - Savile's response was to deflect.

““Now what the tabloids don't realise is that the young girls in question don't gather round me because of me – it's because I know the people they love, the stars, because they know I saw Bros last week or Wet Wet Wet. Now you, watching from afar, might say 'Look at those young girls throwing themselves at him', whereas in actual fact it's exactly the opposite. I am of no interest to them, except in a purely platonic way.”

This is Savile's riposte to Lyn Barber's very direct question “What people say is that you like little girls.”

Just from reading around the abuse and reports into Savile's

**The response to the uncovering of the abuse has been one of revulsion and anger.**

**... were drowned out by his knighthood, his charity walks and royal connections.**

character it is clear that he was allowed to manipulate a position of power through charm, fear and money creating a world from within which he could exploit the most vulnerable.

Matthew Parr

Back to today though and it seems incredulous, with hindsight, that the abuse was allowed to happen. That anyone, even a celebrity, could be allowed such unguarded access to those most at risk. As we (culturally and individually) process the magnitude of the crimes our sense of betrayal, rage and hindsight appears, in this instance, to create a process that simultaneously tries to eradicate the past and also strives to learn from it. Looking ahead, workers and managers need to strive to find the balance between being able to raise concerns without seeing abuse everywhere.

The recent report into the abuse committed by Jimmy Savile at Leeds General Infirmary mentions that "... in the opinion of some senior managers in post during the 1960s to 1980s, he was mostly regarded as a force for good, a great and positive publicist for the Infirmary, a morale booster and a welcome fundraiser." Savile was, as noted throughout the majority of press coverage, beyond reproach due to his volunteering, the millions of pounds he raised through his charity work and his celebrity status. Because of who he was Savile's abuse was unchecked and when it was reported not believed. In the long term though what can we learn from Operation Yewtree and the subsequent investigations that will follow? Safeguarding in the future that responds to the Savile findings will be shaped by a need for workers to not only understand their role but to influence their own working culture, feeling confident to challenge potential abuse.

**In the long term though what can we learn ...**

We know that abuse often happens because signs go unnoticed and the abuser unchallenged. Savile's crimes appear incomprehensible for the sheer scope and damage that they caused to so many lives. It would be easy for organisations to close ranks to outside influences in response to what has happened and be suspicious of all outsiders but it is important that organisations, especially charities, find a balance between needing benefactors and volunteers. The world of safeguarding has moved at a pace over the last 10 years. We are more secure as individuals in our roles, we have access to the best safeguarding training possible and whilst abuse does and will happen we have got better at recognising the signs.

**The world of safeguarding has moved at a pace over the last 10 years.**

Jimmy Savile was allowed to abuse his position of power and trust because people around him ignored the signs or did not

feel able to speak out or weren't able to. He was allowed to go unchecked because the safeguarding culture at the time didn't have service users and employees at the centre. Jimmy Savile was beyond reproach and protected, automatically, because of who he was. In the article from the Independent Online Lynn Barber provided this amendment to the original.

“When this article was first published in The Independent on Sunday in 1990, many readers complained. How dared I ask Sir Jimmy Savile if he liked little girls? He was newly knighted. He was a friend of the Royal Family. He had raised millions for charity.”

The majority of volunteers will give up their time with the best of intentions. The same applies to trustees and benefactors who will give up their free time and money because they are passionate about a charity's aims and objectives. Organisations should make the most of the help they receive, but we (as individuals) need to understand our role in protecting the most vulnerable and strive to create working environments that celebrate the right kind of additional support but always with our service users' best interests at heart.

Lynn Barber's full interview with Jimmy Savile can be found here: [www.independent.co.uk/news/people/it-was-a-relief-when-i-got-the-knighthoodbecause-it-gotme-off-the-hook-an-exclusive-interview-with-savile-from-1990-has-a-new-meaning-9571057.html](http://www.independent.co.uk/news/people/it-was-a-relief-when-i-got-the-knighthoodbecause-it-gotme-off-the-hook-an-exclusive-interview-with-savile-from-1990-has-a-new-meaning-9571057.html)

Matthew Parr

**... was beyond reproach and protected, automatically, because of who he was.**

**... always with our service users' best interests at heart.**

## When should local authorities stop people having sex?

Peter Edwards

IM v LM and Others [2014] EWCA Civ 37 (Court of Appeal)

Or, as the Court more delicately put it:

‘When is it appropriate for society to intervene paternalistically in a decision or decisions that individuals make as to their sexual relations?’

**‘When is it appropriate for society to intervene ...**

Peter Edwards Law brought this case to the Court of Appeal on behalf of a worried mum who wanted to protect her daughter.

This was the first time the Court of Appeal has considered how much capacity a person needs to have in order to give consent to intercourse?

In the Court of Protection, Peter Jackson J concluded that LM had capacity to consent to sexual relations, noting that:

‘She is somebody who has been [fully] sexually active in the past; she has had children; she understands the rudiments of the sexual act; she has a basic understanding of issues of contraception and the risks of sexually transmitted diseases. The area in which she is weakest is her ability to understand the implications for herself should she become pregnant. Pregnancy for [LM] would be an extremely serious state of affairs; there can be no doubt about that. But her weakness in that respect does not, for me, lead to the conclusion that her capacity is absent; it argues for her to receive continued safeguarding and help, advice and explanation as and when the question of sexual activity might become a reality.’

**The area in which she is weakest is her ability to understand the implications for herself should she become pregnant.**

In asserting that the test was objective not subjective the Court of Appeal said that:

“it would be totally unworkable for a local authority or the Court of Protection to conduct an assessment every time an individual over whom there was doubt about his or her capacity to consent to sexual relations showed signs of immediate interest in experiencing a sexual encounter with another person. On a pragmatic basis, if for no other reason, capacity to consent to future sexual relations can only be assessed on a general and non-specific basis” (paragraph 77).

But is that not what any decision maker under the Mental Capacity Act has to do in deciding other aspects of a person’s life? Capacity is, after all, time and decision specific. The big difference of course is that you cannot make a ‘best interest’ decision to allow a person lacking capacity to have sex.

But this does throw up some strange anomalies. A couple who have been together for many years, one loses capacity to make decisions about sex, it then becomes unlawful for them to have sex? Or, as same sex couples cannot produce babies by intercourse, does this mean that the test of capacity for homosexual sex is lower than heterosexual sex? Difficult issues. But what about the duty on local authorities? The Sir Brian Leveson set out in the first paragraph of the judgement: “if, in any case, there is a declaration of lack of capacity, the relevant local authority must undertake the very closest supervision of that individual to ensure, to such extent as is possible, that the opportunity for sexual relations is removed”.

Does this mean that we will see greater use of deprivation of liberty safeguards when care plans have to be more coercive and restricting? Will this lead to an increase of applications to the Court of Protection to authorise deprivation of liberty for those living in supported living or their own homes?

Could it even lead to actions in negligence against local authorities who are aware of a vulnerable person who lacks capacity and risks having sex but they do not act robustly enough? These sound like expensive care plans.

I understand that leave is being sought to take this matter to the Supreme Court. However, for the time being at least, this is the law.

*Reprinted with kind permission from Peter Edwards, Solicitor and Director at Peter Edwards Law.*

Peter Edwards

**But this does throw up some strange anomalies.**

## Hft National Partnership Team Meeting

Deborah Kitson



I was pleased to be invited to Hft's National Partnership Team Meeting in April to discuss with the group issues of safety and safeguarding. Apart from general discussion, the meeting split into groups to consider questions about safety at home, in the community and at work, as well as their understanding of how to raise issues if they had concerns.

The feedback from each group is being considered now as part of the organisation's safeguarding review. On the day the group also had the opportunity to contribute to the organisation's discussion on how they should be using volunteers, and how families and friends should be involved in their support. The event culminated in a meeting with the CEO and Directors to report on the discussions that they had had over the two days.

# ACT NEWS

**save the date!**

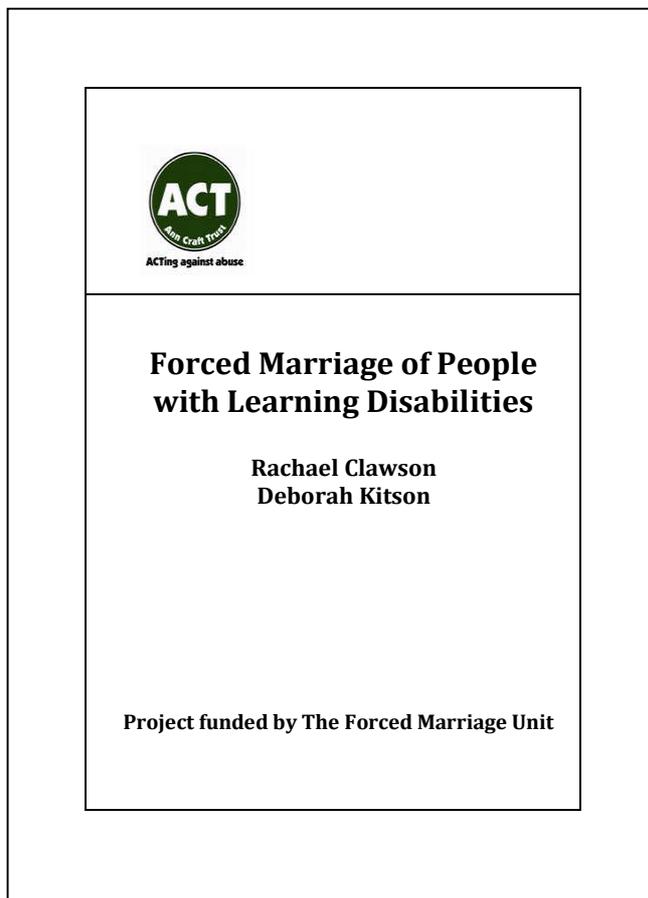


## ACT 2014 Seminar and AGM



ACT will be holding its annual seminar on **27 November 2014** at the University of Nottingham. We will be looking at issues of sexual exploitation and internet safety including social media. We do hope you will be able to join us. Further information and details about the day will be emailed shortly but in the meantime if you would like to reserve a place you can do so by contacting [ann-craft-trust@nottingham.ac.uk](mailto:ann-craft-trust@nottingham.ac.uk). Places will be limited.

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**\*Now Available\***

**Forced Marriage of People with Learning Disabilities: Final Report costs £11.95 plus P&P**

If you wish to purchase a copy contact ACT on 0115 9515400 or email: [Ann-Craft-Trust@nottingham.ac.uk](mailto:Ann-Craft-Trust@nottingham.ac.uk)

**Westminster 'child abuse': NSPCC chief to lead inquiry into Home Office handling of allegations** July 2014

The chief executive of the National Society for the Prevention of Cruelty to Children will lead a review into the Home Office handling of historical allegations of child abuse, Theresa May told MPs.

The review by Peter Wanless, which will take eight to 10 weeks, will look at the Home Office's investigation but also how the police and prosecutors handled information handled to them. The review led by Mr Wanless centres on concerns the Home Office failed to act on allegations of child sex abuse contained in a dossier handed over in the 1980s by former Tory MP Geoff Dickens.

The Home Office's senior civil servant Mark Sedwill commissioned a review last year into the department's handling of child abuse allegations, including the information provided by Mr Dickens.

"The investigation found no record of specific allegations by Mr Dickens of child sex abuse by prominent public figures," she added.

The Home Secretary said she was confident that the work commissioned by Mr Sedwill was "carried out in good faith" but spelling out the reasons for the Wanless review, she said: "I know that with allegations as serious as these the public need to have complete confidence in the integrity of the investigation's findings."

Demands for an inquiry were fuelled over the weekend by Lord Tebbit, a member of Margaret Thatcher's cabinet in the 1980s, who said that there "may well" have been a political cover-up at the time in order to protect "the system".

*The Telegraph*

**New offences of ill-treatment or wilful neglect: government - response to consultation** June 2014

Over 130 responses to this consultation were received, and there was broad support for each of the proposals put forward. The outcome of the consultation exercise is that the offence will apply to:

- all formal healthcare provision for adults and children in

both the NHS and private sector. It will not apply to some children's settings and services which are subject to existing safeguards

- all formal adult social care provision, in both the public and private sectors, including self-funded care
- people and organisations paid to provide or arrange for the provision of these health and adult social care services, but the offence for organisations will be formulated in a different way to the offense for individuals

The offences will not apply to:

- the provision of any non-health children's services (eg children's social care)
- informal caring arrangements where the care is not given as part of paid work
- situations that are the result of a genuine accident or error
- any areas other than health care or adult social care
- health care provided for children or adults in some specified settings or services, such as schools or children's homes

The consultation response document provides further detail. It also includes a full summary of all the responses received and information on the timetable for legislating for the new offences.

## **Care and Support Statutory Guidance - Issued under the Care Act**

June 2014

### **Purpose and legal status of the guidance**

This is draft guidance for consultation. When published in its final form the statutory guidance is intended to provide local authorities with the information they need about how they should meet the legal obligations placed on them by the Act and the regulations. Local authorities are required to act under the guidance, which means that they must follow it, unless they can demonstrate legally sound reasons for not doing so. The guidance will be used by local authority officers to plan care and support at a local authority level, as well as by practitioners. The guidance will also be used by people using care and support, their families, the voluntary sector and providers of care and support to help them understand the new system, and by courts in deciding whether a local authority has acted within the law.

### The consultation

The consultation document should be read alongside the draft regulations and guidance. It sets out a high level summary of the policies to which the regulations and guidance relate.

Written submissions to the consultation are accepted until 15 August 2014.

Comments to: [careactconsultation@dh.gsi.gov.uk](mailto:careactconsultation@dh.gsi.gov.uk)  
online at [www.careandsupportregs.dh.gov.uk](http://www.careandsupportregs.dh.gov.uk).

### Smile that made Down's girl a Sainsbury's star: Natty is face of supermarket's children's clothing campaign after beating hundreds of hopefuls

June 2014

A girl of seven with Down's Syndrome has been chosen from hundreds of hopefuls as the face of a major children's clothing campaign.



The decision by Sainsbury's to use Natty Goleniowska to advertise school uniforms is a step forward in making children with the condition more accepted, say campaigners.

Natty, from Padstow, Cornwall, will star in the Back To School campaign online, in stores and in magazines later this summer. Her mother Hayley Goleniowska, 43, a former language teacher, who runs campaign group Down's Side Up, said: 'We are delighted that so many people will now see that Natty is just a lovely, bright and cheerful little girl. 'As a mum, I have worried about the fact that there are not that many images out there featuring children like her, so this is a big step forward.'

Read the article: <http://www.dailymail.co.uk/news/article-2665328/Smile-Downs-girl-Sainsburys-star-Natty-face-supermarkets-childrens-clothing-campaign-beating-hundreds-hopefuls.html#ixzz36y5rjcS4>

## **News magazine for people with learning disabilities wins prestigious award**

News Update

**June 2014**

The first ever news magazine for people with learning disabilities won an award at the highly acclaimed annual Charity Awards. This prestigious award was given to *Easy News*, an easy read news magazine launched by the national disability charity, United Response, last year, to make the news and current affairs more accessible to the 1.5 million adults in the UK who have learning disabilities.

The magazine, which was described by one Charity Award judge as being "...a new thing in the world and it is rare to see something genuinely new.." uses simplified text and useful pictures to provide people with learning disabilities with easy to understand, politically neutral summaries of key news stories and events. The stories are selected and translated by UR Consultants, a group of people with learning disabilities who are experts in easy read communication.

The concept for *Easy News* came from a growing awareness of the fact that people with learning disabilities often find themselves excluded from many areas of everyday life due to a lack of easy to understand information. Back in 2010, United Response launched Every Vote Counts, a campaign to make voting more accessible. Whilst the campaign was successful in increasing the number of people with learning disabilities voting, United Response realised that an accessible source of news was needed all the time for those votes to be meaningful. The success of *Easy News* was recognised with the magazine being announced as the Charity Awards 2014 winner in the category of education and training.

To watch a film about the story behind Easy News, go to <http://youtu.be/cslW91sH5tU>. For further information about Easy News and to subscribe to the magazine go to [www.unitedresponse.org.uk/easynews](http://www.unitedresponse.org.uk/easynews)

## **Housing and Safeguarding Alliance**

**June 2014**

The Alliance aims to improve the engagement of all social housing providers in safeguarding adults and build greater understanding by the statutory partners of the key role housing can play. The detailed objectives are on the Alliance web page and include: improving the strategic engagement of all housing providers with Safeguarding Adults Boards; increase joint working on safeguarding adults between housing providers in any geographical area. The Housing LIN members are encouraged to assess their organisation's current delivery on

these and the other six objectives and create an action plan to address gaps and improve adult safeguarding locally. The Alliance welcomes feedback and good practice.  
[www.housinglin.org.uk/AdultSafeguardingAndHousing](http://www.housinglin.org.uk/AdultSafeguardingAndHousing)

News Update

### **Charities call for police training on 'mate crime'**

The murder of Gemma Hayter, 27, was linked to 'mate crime' Every police force in the UK should be trained to spot the signs of "mate crimes", according to charities.

March 2014

The Association for Real Change believes thousands of people with learning difficulties have been befriended by abusers. It says they are at risk from these people, who can assault, exploit and steal from them.

Campaigners say in many cases, incidents reported to police aren't properly dealt with. The College of Policing says the UK is leading the way in dealing with disability hate crime but admits there is room for improvement.

Nicky Aver was exploited by neighbours who befriended her in Devon. "They scared me out of my own property. I had a friend who was supposed to be a friend, but he stole my computer," she says. "They had a party because there was empty cans all over my floor, they used my bed for other things, then I found out he threw my keys into the river."

Nicky spent nearly three years staying with friends because she didn't want to go home. "I tried reporting it to the police three or four times, they came out, checked it and everything, said everything was alright and it just never went any further," she says.

Devon and Cornwall Police has since trained 350 frontline officers and 400 control staff on mate crime and says Nicky's case would be handled differently today.

CCTV footage shows Gemma Hayter with the group in Rugby town centre two days before her death and then later on the night of her death.

The murders of Gemma Hayter, 27, in Warwickshire and Steven Hoskin, 38, in Cornwall have been linked to the issue.

Daniel Newstead, Joe Samuel Boyer and Chantelle Franklyn Booth, were convicted of Gemma Hayter's murder in Rugby in 2011, when the three were aged between 18 and 22.

Two teenagers were found guilty of her manslaughter.

The charity Mencap estimates 90% of people with disabilities experience offences motivated by prejudice or hate crimes. They also say disability hate crime is under-reported. "Often victims don't report the abuse because they see the perpetrators as friends they want to keep," campaigner Tina Feather says, "It can be difficult for victims to spot the signs they're being abused and they don't think the police will believe them."

She adds: "Often it's not recognised by police as a crime." The Crime Survey for England and Wales, which looks at victims' experiences of crime, suggests 124,000 disability motivated incidents occurred between 2011/12 and 2012/13.

Although more cases are being logged by police, official figures show only 1,757 offences were recorded in 2011/12 and 1,841 in 2012/13.

Paul Giannasi, the police spokesman on hate crime says: "Some forces have progressed further in raising awareness than others. We have a significant way to go, but the UK's probably the most advanced state in dealing with this in the world,"

Charities claim families, friends, carers and neighbours should encourage victims to come forward.

# INFORMATION...INFORMATION...INFORMATION...INFORM...

## Focus on Abuse

Too little is being done to protect people with learning disabilities from abuse, researchers have found.

The University of Glamorgan UK study, which was conducted by academics and people with learning disabilities, also found that those who reported abuse were often not believed or supported.

The research recommends that people with learning disabilities need better education on how to deal with such abuse and how to stay safe.



**Abuse is Bad** is a DVD which educates people with learning disabilities on what abuse is and how to deal with it. The DVD can be used in one-to-one sessions, group work or in staff development. To find out more and see a sample of the DVD visit: [www.friendlyresource.org.uk](http://www.friendlyresource.org.uk).



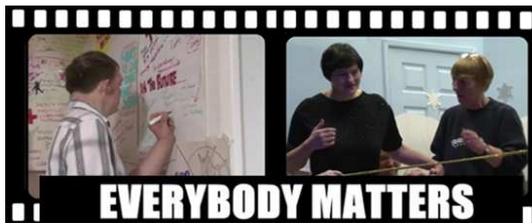
The DVD costs just £30 including postage. Every copy purchased also helps support vulnerable people gain leadership and work skills and helps people be more confident tackling abuse issues.

Abuse is still happening. Help to STOP IT, order your copy today from [orders@friendlyresources.org.uk](mailto:orders@friendlyresources.org.uk).

## The Challenging Behaviour Foundation launches new film *Everybody Matters*

Recently launched, **Everybody Matters**, a new film produced by the Challenging Behaviour Foundation (CBF) in partnership with Frameworks 4 Change. The project began as a response to the abuse uncovered at Winterbourne View private hospital. We wanted to show that alternative options exist for supporting people well within their local community, that good support is possible and that good lives are happening as a result.

## Resources

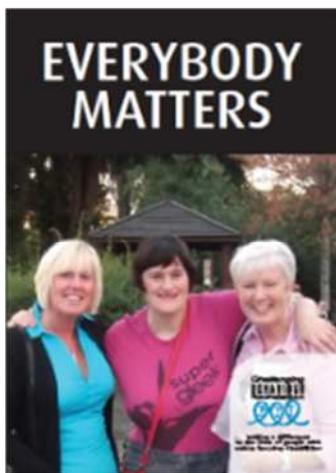


This powerful new film stars Colleen and Shaun, both of whom have learning disabilities and have been described as displaying challenging behaviour.

This has meant in the past both have experienced poor support and had restrictive, unhappy and sometimes unsafe lives. Their stories show that everyone can be supported to live a full and active life in their community their community.

The film also features two leading academics, Tony Osgood and the late Jim Mansell, who make a compelling case for local, personalised support. Early audiences have called *Everybody Matters* “a really positive, informative and instructive film” and found it “very professional, very moving” and ‘very inspiring’.

*Everybody Matters* is now available on DVD. It’s free to family carers and available for professionals to purchase on the website: [www.challengingbehaviour.org.uk/](http://www.challengingbehaviour.org.uk/)



The DVD also includes the 10 minute original trailer. An urgent call to action, this clip was made soon after the abuse was uncovered at Winterbourne View and, distressingly, is just as relevant today.

For more information email: [everybodymatters@theCBF.org.uk](mailto:everybodymatters@theCBF.org.uk).

### **Implementing a new 0 to 25 special needs system: LAs and partners**

Duties and timescales - what you must do and when  
July 2014

This is advice from the Department for Education and the Department of Health. This advice is non statutory, and has been produced to help recipients understand their role in

implementing reforms to the special educational needs and disabilities system. The SEND reforms are a significant set of cultural and systematic changes which are designed to improve outcomes of children and young people with SEN or Disability (SEND). This guidance contains useful information to help local areas prepare to implement the SEND reforms introduced by the Children and Families Act 2014.

About this publication:

enquiries [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

download [www.gov.uk/government/publications](http://www.gov.uk/government/publications)

**Childnet STAR Toolkit** – practical advice and teaching activities to help educators explore e-safety with young people with autism spectrum disorders.

The STAR toolkit has been developed by Childnet in partnership with Leicester City Council's Building Schools for the future programme, with input and support from three schools in Leicester. The guidance aims to equip, enable and empower educators with the relevant knowledge they need to support their learners with autism spectrum disorder (ASD) when they are online.

For more information visit: [www.childnet.com/star](http://www.childnet.com/star)

**Active Support - Creating an Ordinary Life** This year's ARC Annual Conference is taking place at the City Hall in Cardiff on 17th September, and is all about how Active Support can improve the quality of life for people with a learning disability, autism and whose behaviour can sometimes challenge services.

**The conference will cover:**

- active support enabling people with learning disability and autism to have an ordinary life
- active support and people with dementia
- outcomes monitoring
- active support interactive training
- active support for people whose behaviour can sometimes challenge services
- staff personal development.

Community Care Conferences is pleased to bring you its' eighth national conference on **overcoming challenges to support children and young people who display harmful**

Information

Conferences and Training

**sexual behaviour** in London on 22<sup>nd</sup> October 2014.

Information

Delegates who attend this event will have the opportunity to address their biggest practice and strategic concerns.

Attend to:

- Discover what evidence tells us about effective service delivery to support outcomes
- Explore risk management in depth with our expert panel
- Examine whether young people who perpetrate via social media represent a new cohort of 'risk' and whether they should be handled differently from those displaying physical contact offences
- Harness effective engagement with multi-agency partners
- Identify successful approaches to working with foster carers

For more information contact:

[www.communitycareconferences.co.uk](http://www.communitycareconferences.co.uk)

**THE ANN CRAFT TRUST**  
**ACTing Against Abuse**

ACT is an association concerned with facilitating the protection of all adults and children with learning disabilities who are vulnerable to abuse.

**AIMS:**

1. ACT maintains an information exchange network for statutory and voluntary agencies, for professionals and individuals through a national office and
  - the production and circulation of a quarterly bulletin
  - the compilation of a network of members and their specific interests
  - the editing and updating of an annotated bibliography and information sheets on specific topics.
  
2. ACT works towards raising the general level of awareness of issues relating to the abuse of children and adults with learning disabilities by
  - making links with other relevant organisations (both specialist and mainstream)
  - producing a wide range of publications
  - organisation of, and contribution to conferences, seminars and training events
  - contributing to public debate as appropriate when matters of concern arise locally or nationally.

ACT works to an equal opportunities policy, facilitating protection to all people with disabilities, with attention and respect to race, culture, religion, gender, age and sexual orientation.

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