



Equally Safe – consultation on a draft Delivery Plan 2017-21

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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- Yes
 No

The Scottish Commission for Learning Disability (SCLD) welcomes the opportunity to respond to this important consultation.

SCLD is an independent charitable organisation and strategic partner to the Scottish Government in the delivery of Scotland's learning disability strategy, *The Keys to life*¹. The strategy defines learning disability as a significant, lifelong, condition that started before adulthood, which affects development and means individuals need help to understand information, learn skills, and cope independently. SCLD is committed to finding new and better ways to improve the lives of people with learning disabilities and is focused on sharing innovation and good practice so that those providing services and interventions can learn from each other. SCLD also aim to be a knowledge hub and to build an evidence base, sharing how policy is being implemented and building on an understanding of what really works.

With regard to this consultation, SCLD will make key suggestions around how the strategy can include women with learning disabilities, who can be vulnerable to domestic violence and abuse. Throughout this consultation response, SCLD will focus on the experience of women and girls with learning disabilities. SCLD will use the term, domestic violence and abuse to refer to all forms of gender based violence and abuse.

PRIORITY 1: Scottish society embraces equality and mutual respect, and rejects all forms of violence against women and girls

1. Do you agree or disagree that the actions listed under priority 1 are the right actions to help meet the objectives of priority 1?

Agree

2. Please tell us about any of the priority 1 actions that you are particularly supportive of.

SCLD fully supports priority 1. This priority is in line with The Human Rights Act of 1998², which underpins the Scottish Government's National Learning Disability Strategy, *The keys to life*³.

SCLD agrees that central to achieving priority 1 is raising awareness and challenging attitudes both in childhood and in the workplace. SCLD agree that this sits well in the work streams of primary prevention as well as capability and capacity.

SCLD sees real value in work which actively raises awareness about people with learning disabilities' desire to have relationships, and the challenges women and girls with learning

¹ [The keys to life](#)

² [The Human Rights Act \(1998\)](#)

³ [The keys to life](#)

disabilities may face, when in relationships. This could include the potential for impairment specific abuse. This is outlined by Thiara, Hauge and Mullander (2011)⁴ as abuse which exploits an impairment. For example, by removing support aids which help a person to live independently.

SCLD supports The Mentors in Violence Prevention program's aims to ensure that boys and men understand positive, respectful and healthy relationships. SCLD view this as of central importance to achieving safe and healthy relationships for individuals with learning disabilities. Documents, such as The Forth Valley 'Managing Sexualised Behaviours Guidelines'⁵ produced with support from Central Sexual Health, can be used to support this type of work with individuals with learning disabilities.

SCLD also acknowledges and understands that views are formed in childhood and support the priority actions outlined under the heading of childhood. SCLD supports providing teachers with training regarding equality issues, as well as a refreshed publication addressing bullying in schools. This should highlight bullying based on gender and sexism. It should also make particular reference to the intersection between gender and learning disability.

3. Please tell us about any priority 1 actions that you don't agree with.

There are no actions that SCLD disagrees with under priority 1. However, SCLD sees real opportunities for actions to include women and girls who have learning disabilities.

4. Are there any actions that you think are missing under priority 1?

SCLD believes intersectionality, as defined by Crenshaw (1991)⁶ in 'Mapping the Margins', highlighted how multiple barriers can impact on women's experience of domestic violence and abuse, merits further attention.

SCLD sees a clear understanding of intersectionality as central to developing actions which fully address the needs of women and girls with learning disabilities, who face multiple barriers as a result of both their gender and learning disability. McCarthy (2016)⁷ highlighted the importance of all elements of a person being considered when thinking about domestic violence and abuse. McCarthy (2016) also argued that a way to avoid a piecemeal approach to the problem of domestic abuse and violence was by looking at a whole person and their intersections. This, in turn, would reduce the risk of women falling between the gaps in relation to policy and practice.

To avoid women with learning disabilities falling between service gaps, SCLD would promote a widening and strengthening of the actions outlined in priority 1, to improve inclusion of women with learning disabilities.

⁴ [Losing out on both counts: disabled women and domestic violence](#)

⁵ [Managing Sexualized Behavior Guidelines](#)

⁶ [Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color](#)

⁷ ['I Know it was Every Week, but I Can't be Sure if it was Every Day: Domestic Violence and Women with Learning Disabilities](#)

One way in which the intersection between learning disability and gender, with regard to domestic violence and abuse can be addressed, is through comprehensive and accessible Relationship, Sexual Health and Parenting Education (RSHPE). RSHPE in additional support need schools and mainstream schools should tackle domestic violence and abuse. The Barnardo's report 'Underprotected, Overprotected' (2015)⁸, highlighted that, despite developments in specialist Child Sexual Exploitation Services, there were still young people with learning disabilities whose needs, relating to choices around relationships and sexual health, were not being met. The report went on to state that there was limited educational support for young people with learning disabilities in this area.

This lack of educational support can, in part, be attributed to attitudinal barriers which are faced by individuals with learning disabilities. An example of this is being viewed as eternal children (McConnell and Llewellyn; 1998⁹, Wish Briefing paper; 2007¹⁰) or as dangerously sexual (Wish Briefing Paper; 2007). SCLD believe there is a need for these attitudinal barriers to be widely challenged through RSHPE for children and young people with learning disabilities.

Do you have any suggestions for additional actions to focus on?

Based on an understanding of intersectionality and attitudinal barriers, SCLD has a number of suggestions for additional actions under priority 1. These are:

- Ensuring continual representation of women with learning disabilities on the newly established Advisory Council on Women and Girls,
- Supporting awareness raising initiatives to provide insight into intersectionality and the experience of women who face multiple barriers. Including, but not limited to, women with learning disabilities,
- Providing support for teachers working in additional support need and mainstream settings to access and use accessible teaching resources on the subject of gender based abuse and violence,
- Supporting the creation of a range of accessible resources which discuss the topic of domestic and gender based abuse and violence,
- Reflect the multiple disadvantages faced by women and girls with learning disabilities in the refreshed approach to addressing bullying in schools.

PRIORITY 2: Women and girls thrive as equal citizens: socially, culturally, economically and politically

5. Do you agree or disagree that the actions listed under priority 2 are the right actions to help meet the objectives of priority 2?

⁸ Unprotected, overprotected: Meeting the needs of young people with learning disabilities who experience, or are at risk of, sexual exploitation

⁹ Parental Disability and the Threat of Child Removal

¹⁰ The Sexual Health Needs of Young People with Learning Disabilities

Agree

6. Please tell us about any of the priority 2 actions that you are particularly supportive of.

SCLD fully supports priority 2, that women and girls should be able to access full political, economic and social citizenship as outlined by T.H Marshall (1949)¹¹. This is in line with, *The keys to life* (2012:p.2)¹² which stated that: “Everyone should have the opportunity to contribute to the communities in which they live, work and socialise. The need for people with learning disabilities to live independently, having the same choice, control and protection as all other citizens of Scotland...is more relevant that ever”.

SCLD also agrees that the priority actions: understanding gender, parenting and childcare, women’s economic inequality and women’s civic and social inequality, sit best within the workstream of primary prevention.

In particular, SCLD supports a number of the key actions under Women’s Economic Inequality. SCLD supports ensuring that The Developing the Young Workforce program addresses issues of occupational segregation and under-representation in the take-up of certain college courses and modern apprenticeships by women. Skills Development Scotland propose to address this through the Equalities Action Plan for Modern Apprenticeships in Scotland¹³.

SCLD supports priority actions around the development of a strategy to address the gender imbalance with regard to Science, Technology, Engineering and Math (STEM) at schools. However, it is important to recognise that women with learning disabilities can face additional barriers in accessing STEM subjects due to the academic expectations surrounding these areas. SCLD would suggest that engagement with STEM subjects should begin with girls from nursery school to improve uptake. SCLD would also support a work based initiative as a more suitable root into employment within the fields of science, technology, engineering and math.

SCLD supports work with key stakeholders to ensure greater equality within the labour market and see an opportunity for the public sector to lead the way in improving gender equality. SCLD would add that occupational segregation should be tackled through flexible working to allow women employment opportunities while also raising children, which has traditionally been viewed as the role of women (Olchawski; 2016)¹⁴. Additionally, SCLD would support successful bidders in delivering devolved employment services which recognise the needs of women. SCLD would suggest a need for reporting back on how this had been achieved, similar to the workforce targets within the BBCs Diversity and Inclusion strategy¹⁵.

¹¹[Citizenship and social class and other essays](#)

¹² [The keys to life](#)

¹³ [Equalities action plan: For Modern Apprenticeships in Scotland](#)

¹⁴ [Parents, work, and care: Striking the balance](#)

¹⁵ [BBC: Diversity and Inclusion Strategy 2016-20](#)

7. Please tell us about any priority 2 actions that you don't agree with.

SCLD does not disagree with any priority 2 actions. However, SCLD does see an opportunity to improve women with learning disabilities access to employment through this priority area.

8. Are there any actions that you think are missing under priority 2?

SCLD believes there are missing actions with regard to identifying and promoting practice which improves women and girls with learning disabilities access to employment. The SCLD commissioned report, 'Mapping the Employability Landscape for People with Learning Disabilities in Scotland' (2016)¹⁶ highlighted that the employment rates for adults with a learning disabilities in Scotland were estimated to be in the range of 7 to 25% which is well below the overall employment rate of adults in Scotland at 73%. The same report identified challenges for individuals with learning disabilities in accessing employment. These included, but were not limited to:

- Parents, teachers and other professionals having low aspirations regarding young people with learning disabilities' academic ability and employment opportunities,
- parents being over protective of their children with regard to the open labour market; bullying and undermining in school impacting on young peoples' confidence,
- Further education for individuals with learning disabilities being an end in itself rather than a route into sustainable employment.

These challenges faced by individuals with learning disabilities should be taken in conjunction with the wider challenges impacting women more generally in the labour market in Scotland. For example, Statistics from Closing The Gap (2016)¹⁷ stated that 42% of women employed in Scotland work part-time compared to 13% of men and that the pay gap between men's full-time hourly average earnings and women's part-time hourly earnings was 32.2%.

By taking this evidence together, it is clear that women with learning disabilities face dual barriers in accessing sustainable employment.

Do you have any suggestions for additional actions to focus on?

With regard to priority 2, SCLD would suggest the following additional actions to improve women with learning disabilities access to employment. This would include:

- The availability of supported employment services which target women learning disabilities,

¹⁶ [Mapping the Employability Landscape for People with Learning Disabilities in Scotland](#)

¹⁷ [Closing the gap: statistics](#)

- Scottish employers committing to a soft target of 1 in 25 employees who have a learning disability,
- Early years provision in STEM subjects,
- Reporting back from devolved employment services on achievements.

These additional actions are in line with some of the key recommendations made in 'Mapping the Employability Landscape for People with Learning Disabilities in Scotland' (2016)¹⁸. For the full recommendations please refer to the report.

PRIORITY 3: Interventions are early and effective, preventing violence and maximising the safety and wellbeing of women, children, and young people

9. Do you agree or disagree that the actions listed under priority 3 are the right actions to help meet the objectives of priority 3?

Agree

10. Please tell us about any of the priority 3 actions that you are particularly supportive of.

SCLD fully supports priority 3. This priority is in line with actions arising from 'The Same as you?' consultation which highlighted a need for stronger prevention and support services to help individuals with learning disabilities to be safe (*The keys to life*, 2013:70¹⁹).

SCLD agrees that interventions must be early and effective to prevent violence and maximise women, children, and young peoples' safety. SCLD agrees that this fits best in line with the work streams of capability and capacity, as well as the justice work stream. SCLD also agree that priority 3 can best be achieved through the work of public services, specialist services, and integrated services.

With regard to priority actions relating to public services, SCLD particularly supports improving the experience of vulnerable witnesses. SCLD's (2011) Learning Disabilities and Gender Based Violence: Literature Review Summary²⁰, highlighted that people with learning disabilities often are less likely to report abuse, are less likely to be believed and face additional barriers in reporting abuse. This can include communication difficulties or a lack of awareness that abuse has taken place. As a result of this SCLD would fully support systems and techniques being put in place which improve a witness's experience.

SCLD is supportive of a review of the way forensic examinations are undertaken. Martin et al (2006)²¹ stated that young women with cognitive impairments are five times more likely to experience sexual assault than women without disabilities. This increased vulnerability

¹⁸ [Mapping the Employability Landscape for People with Learning Disabilities in Scotland](#)

¹⁹ [The keys to life](#)

²⁰ [Learning Disabilities and Gender Based Violence: Literature Review Summary](#)

²¹ [Physical and Sexual Assault of Women With Disabilities](#)

of women with learning disabilities should mean that a review of forensic examinations needs to address how best this process is explained to women with learning disabilities. The review should also look at the role for appropriate adults. SCLD would welcome the opportunity to contribute to this review with regard to how examinations of women with learning disabilities can be approached.

With regards to priority actions for both public and specialist services, SCLD fully supports the development of training with regards to domestic violence and abuse. This training should support staff in public and specialist services in spotting signs of domestic violence and abuse. Learning disability awareness training for staff in a range of settings including courts, police and third sector support organisations should be provided. Such training should highlight the importance of clear and appropriate communication in working with women and girls with learning disabilities.

SCLD fully supports the development of multi-agency working and the need to embed consistent multi-agency structures to support high-risk victims of abuse, and through supporting local violence against women partnerships on their improvement journey. The value of multi-agency responses was highlighted in SCLD's 2011 gender based violence literature review²².

11. Please tell us about any priority 3 actions that you don't agree with

SCLD does not disagree with any of the priority 3 actions. However, SCLD sees a need for these actions to be widened to better include women with learning disabilities who are at increased vulnerability to domestic violence and abuse (SCLD 2011).

12. Are there any actions that you think are missing under priority 3?

SCLD believes that priority 3 actions should acknowledge the increased vulnerability of domestic violence and abuse experienced by women and girls with learning disabilities. The reasons for this increased vulnerability is highlighted within the Enable Scotland publication, 'Unlocking sexual abuse and learning disabilities' (2009)²³. This stated some individuals with learning disabilities learn to comply with the wishes of others as a result of the following; time spent in institutional settings; barriers to good relationships education; lack of communication abilities, and having to be reliant on others regarding care and support. SCLD feels that embedding this knowledge throughout priority 3 would better help to support women and girls with learning disabilities experiencing, or with experiences of, domestic violence and abuse.

Do you have any suggestions for additional actions to focus on?

SCLD has a number of suggestions for actions which would improve services for women and girls with learning disabilities. These include:

²² [Learning Disabilities and Gender Based Violence: Literature Review Summary](#)

²³ [Unlocking sexual abuse and learning disabilities](#)

- Continuing to consider the needs of women and girls with learning disabilities and how these can be met (through special measures) when working to improve the experience of vulnerable witnesses,
- The review of the way forensic examinations are undertaken should consider the experience of women and girls with learning disabilities. It should continue to examine the role of appropriate adults in this process. In line with the 2002 'Evaluation of Appropriate Adult Schemes in Scotland'²⁴, training for appropriate adults should include information about forensic medical examiners' roles and techniques,
- The review of the way forensic examinations are undertaken should explore the provision and availability of accessible information and appropriate methods of communication about the examination,
- Training for staff in public and specialist services should include how to spot signs of domestic violence and abuse as well as learning disability awareness training.

PRIORITY 4: Men desist from all forms of violence against women and girls and perpetrators of such violence receive a robust and effective response.

13. Do you agree or disagree that the actions listed under priority 4 are the right actions to help meet the objectives of priority 4?

Agree

14. Please tell us about any of the priority 4 actions that you are particularly supportive of.

SCLD fully supports all of the priority 4 actions and believe this sits well within the workstream of justice. In particular, SCLD support criminalisation of coercive control. Coercive control is a form of abuse which impacts women and girls with learning disabilities. For example, McCarthy (2010)²⁵ found that women with learning disabilities frequently had their finances controlled and were financially exploited by their partners.

SCLD agrees that victims of gender based violence should be encouraged to report to the police. SCLD sees a potential role for Third Party Reporting Centres in this. However, SCLD's (2017)²⁶ 'Hate Crime and Third Party Reporting Centres: A mapping and scoping exercise' highlighted that there were low levels of activity from Third Party Reporting Centres and low levels of public knowledge regarding, what Third Party Reporting (TPR) is,

²⁴ Evaluation of Appropriate Adult Schemes in Scotland

²⁵ 'I Know it was Every Week, but I Can't be Sure if it was Every Day: Domestic Violence and Women with Learning Disabilities

²⁶ Hate Crime and Third Party Reporting Centres: A mapping and scoping exercise

and their function. Although TPRC's could possibly play a role in supporting victims of domestic violence or abuse to report, the challenges in reporting through these mechanisms would need to be addressed.

15. Please tell us about any priority 4 actions that you don't agree with

SCLD does not disagree with any of the priority 4 actions. However, SCLD sees a need for extra consideration regarding individuals with learning disabilities, with regard to the encouragement of victims to report domestic violence and abuse and perpetrator programs.

16. Are there any actions that you think are missing under priority 4?

SCLD believes it is important that we acknowledge that people with learning disabilities can also be the perpetrators of domestic violence and abuse. The Enable report (2009)²⁷ highlighted that in the past when abuse was perpetrated by a person with a learning disability against another individual with a learning disability, this was likely to be ignored. Therefore, SCLD would support the provision of offender programs which work with perpetrators with learning disabilities in an accessible format and provide Relationship, Sexual Health and Parenting Education (RSHPE) to reduce the likelihood of reoffending.

To better encourage women and girls with learning disabilities to report gender based violence and domestic abuse SCLD believes that a societal shift in attitudes is required. There needs to be a move away from an historic view of people with learning disabilities (discussed by O'Callaghan and Murphey 2007²⁸) of people with learning disabilities as asexual or childlike, to one which views people with learning disabilities as sexual beings, with agency and control over their lives. This, in turn, could improve reporting rates.

Do you have any suggestions for additional actions to focus on?

SCLD would support the following additional actions regarding priority 4:

- Developing a the role of Third Party Report Centres (TPRCs), including a more defined role of TPRCs and increased public awareness of TPRCs.
- Ensuring accessible information and appropriate communication resources as well as full Relationship Sexual Health and Parenting Education within offenders programs,
- Wider challenging of negative attitudes towards people with learning disabilities having sexual relationships, through public awareness raising.

²⁷ [Unlocking sexual abuse and learning disabilities](#)

²⁸ [Sexual relationships in adults with intellectual disabilities: understanding the law](#)

Cross-cutting actions

17. Do you agree or disagree that the actions listed as cross cutting are the right actions to help meet the overall objectives of the delivery plan?

Agree

18. Please tell us about any of the cross cutting actions that you are particularly supportive of.

SCLD fully supports all of the cross cutting actions outlined in the document under the headings; 'a Human Rights framework', 'all forms', 'all women', 'all children', 'accountability' and 'participation'. In particular, SCLD support the cross cutting actions with regard to fulfilling international Human Rights responsibilities and actions surrounding all women and participation.

SCLD supports Scotland's National Action Plan for Human Rights and its explicit recognition that violence against women and girls is a violation of fundamental Human Rights. SCLD, in particular, welcome the commitment to place Human Rights at the center of the Scottish Government and safeguard these rights and equality protections.

SCLD supports the disabled people's panel within Scotland's Disability Delivery Plan assisting to identify steps that tackle violence against disabled women and girls. SCLD is also particularly supportive of actions relating to the supporting of a pilot program of participation with women, children and young people.

19. Please tell us about any cross cutting actions that you don't agree with.

SCLD does not disagree with any of the cross cutting actions. However, SCLD would stress inclusion of women and girls with learning disabilities within these actions.

20. Are there any cross cutting actions that you think are missing?

SCLD would highlight the importance of ensuring people with learning disabilities have the opportunity to participate fully with regard to the 'supported pilot program'. Morris (2005)²⁹ highlighted that disabled people face a range of barriers regarding access to full participation including, poverty, the operation of the benefits system, attitudinal barriers, barriers to community presence, inadequate rights to participation and unequal access to health care. Therefore, SCLD would ask that these barriers are recognised and reasonable adjustments made that will allow people with learning disabilities to participate in the pilot program.

²⁹ Citizenship and disabled people: A scoping paper prepared for the Disability Rights Commission

SCLD would also support wider public engagement around the particular issues faced by women with learning disabilities, regarding domestic violence and abuse. SCLD do recognise the benefit of cross cutting action regarding consultations with the disabled people's panel. SCLD would again stress the involvement of women with learning disabilities.

Do you have any suggestions for additional actions to focus on?

Considering the above, SCLD would make following suggestions for additional actions:

- Recognition of the particular barriers faced by individuals with learning disabilities and consideration of this when aiming to include women with learning disabilities in the participation program,
- Supporting of women with learning disabilities on the disabled people's panel within Scotland's Disability Delivery Plan,
- Increased public engagement around the particular issues impacting women with learning disabilities regarding domestic violence and abuse.

Performance Framework and Indicators

21. Do you agree or disagree that the draft performance framework is right to help ensure that we understand the progress we are making?

Agree

22. Please tell us about any sections of the draft performance framework that you are supportive of

SCLD fully supports the draft performance framework. In particular, SCLD support the short-term outcomes, of increased understanding of all forms of violence against women and girls and the early identification of women and children affected by violence.

23. Is there anything you think is missing?

With regard to specific needs of women with learning disabilities, who may experience domestic violence and abuse, there is a need for targeted interventions. This would include the provision of clear and accessible information. Accessible information and appropriate communication tools should also be made available in offender's programs.

SCLD believes there needs to be a challenge to attitudinal barriers faced by people with learning disabilities regarding their desire to form lasting relationships.

24. Do you have any suggestions for additions to the draft performance framework?

SCLD would suggest that the following is addressed in the draft performance network:

- Provision of accessible information and appropriate communication tools to both victims and perpetrators,

- Actions to challenge negative attitudes regarding the sexuality of people with learning disabilities.

Questions for Groups & Organisations

25. What role could your organisation have in contributing to this delivery plan?

With regard to responses to previous questions throughout this consultation, SCLD could support the delivery plan in five key ways. These are:

1. By contributing to reviews

SCLD would welcome the opportunity to contribute to the refreshed approach to bullying in schools as well as the review of forensic examinations.

2. By consulting with people with learning disabilities

SCLD could consult with people with learning disabilities on topics including forensic examination, improving the experience of vulnerable witnesses or the refreshed approach to bullying in school. SCLD could consult individuals via *The keys to Life* Expert Group, the Supporting Offenders with Learning Disabilities Network or by holding wider public consultations.

3. By supporting learning disability awareness training

SCLD could support organisations' ongoing learning disability awareness training by providing links to resources and Easy Read tools.

4. By providing links to a range of groups and organisations

SCLD can provide a link to a range of learning disability groups and networks who could support the work of the disabled people's panel, the advisory council for women and girls or who support the creation of accessible information,

5. By challenging negative attitudes towards learning disability

SCLD can continue to challenge negative attitudes towards learning disability and women and girls with learning disability in all elements of its work.

26. In responding to this consultation, how are you drawing on the experiences and views of the women, children and young people who access your organisation?

In responding to this consultation we did not hold specific consultations with women, children, and young people. However, we have built our response on what we as an organisation have been told by people with learning disability through regular engagement with *The Keys to Life* Expert Group, The Working Together with Parents Network and wider

learning disability organisations. We have also based our consultation response on SCLD publications and a range of existing evidence and research.

27. Do you have any further comments on the delivery plan?

Thank you for the opportunity to comment on this important document.