



Consultation Response

**Independent Strategic Review of Funding of
Funding and Commissioning of Violence Against
Women and Girls Services: call for evidence**

The Scottish Commission for People
with Learning Disabilities



Introduction

The Scottish Commission for People with Learning Disabilities (SCLD) welcomes the opportunity to respond to this call for evidence. SCLD is an independent charity and non-governmental organisation. SCLD aims to make a significant contribution to creating an environment in Scotland in which systems and culture are changed to ensure people with learning disabilities are empowered to live the life they want in line with existing human rights conventions. At SCLD, we base everything we do on what people with learning disabilities tell us their priorities are - their hopes and dreams for the future, as well as their fears and their experience of discrimination.

In responding to this call for evidence, SCLD has:

- Outlined our work on gender-based violence
- Outlined the existing evidence base and data gaps on gender-based violence and learning disability
- Highlighted our suggestions for funding and commissioning priorities for violence against women and girls services.

SCLD's work on Gender-Based Violence

In 2021, SCLD welcomed our funding award from Equally Safe to begin a project working alongside women with learning disabilities who have experienced gender-based violence. This project is the start of a work programme to provide research on the barriers facing women with learning disabilities in accessing gender-based violence support services¹. This project will offer women with learning disabilities the opportunity to speak up and be involved in decision-making that impacts them through a collective advocacy group facilitated by People First (Scotland). These women will also be central in developing solutions, including evidence-informed equality impact assessment for universal gender-based violence services.

In addition to this project, SCLD, People First (Scotland), and the Scottish Government facilitate a National Advisory Group on Gender-Based Violence and Learning Disability. The group includes members from a range of key stakeholders such as Public Health Scotland, Safe Lives, Scottish Learning Disabilities Observatory, and many others from across fields of service provision, health, and policy.

¹ [SCLD](#)

Existing Evidence on Gender-Based Violence and Learning Disability

Global rates of gender-based violence highlight that 90% of women with learning disabilities have been subjected to sexual abuse, with 68% experiencing sexual abuse before turning 18². A small-scale study conducted in Glasgow supports this, showing that 73% of the 62 participating disabled women had experienced domestic abuse, and 43% had been sexually assaulted³.

ENABLE⁴ also highlighted that people with learning disabilities may be at increased risk of sexual abuse due to:

- Learned compliance due to institutionalisation,
- Lack of high-quality relationships and sexual health and parenting (RSHP) education,
- Barriers in communicating that incidence of abuse are happening,
- High levels of personal and intimate care can reduce awareness of the right to privacy,
- Unclear reporting procedures for support staff.

The risk is particularly acute for women with learning disabilities, whose experience of multiple disadvantages leads to an increased risk within institutional and community-based settings. This abuse can be committed by their partners or others, including individuals accessing a support service, carers, or those who befriend them.

This increased risk is often compounded by the fact women with learning disabilities tell us that they do not want to report gender-based violence. This is due to fear of restrictive measures resulting from adult support and protection and/or losing the care of their children. In addition to this, there are considerable added barriers to reporting sexual violence. As Engender⁵ states:

"For many women, reporting sexual violence leads to investigation and medical procedures that are intrusive, inaccessible, and traumatic. Disabled women may be especially disinclined to report sexual abuse because of discrimination and negative assumptions related to their impairments, communication barriers, or lacking equipment and specialist knowledge required to meet their needs".

Despite our awareness of the issues facing women with learning disabilities in Scotland, we do not have a robust data set on women with learning disabilities experiencing forms of gender-based violence. SCLD has previously raised this issue regarding sexual crime data as

² [United Nations General Assembly \(2017\)](#)

³ [Wise Women \(2015\)](#)

⁴ [ENABLE \(2009\)](#)

⁵ [Engender \(2018\)](#)

part of the 'consultation on how official statistics present information on recorded crime and related topics'⁶.

This lack of data on the experience of people with learning disabilities has been an ongoing issue. In Scotland, we are still to see disaggregated data produced on the experience of people with learning disabilities in health data and across social, economic, and political life. In terms of intersectional impacts, the data is even poorer⁷. The Fraser of Allander Institute⁸ best expressed the critical nature of better data:

"Without better data to underpin policy making, Scottish Government ambitions to improve the lives of adults with learning disabilities are unlikely to be realised".

Poor data collection leaves people with learning disabilities invisible. This invisibility enables exclusion, which can lead to failure to safeguard. No more prominent example exists than the recent case of Margaret Fleming⁹, a woman with a learning disability from Inverclyde, who was missing for over 17 years before her murder and disappearance were ever reported.

A Right to Access Services for Women and Girls Experiencing Violence (Question 5.1)

The evidence suggests that the intersectional experience of women with learning disabilities places them at an increased risk of gender-based violence. However, despite this, we are yet to see developments of focused support for this group. Instead, we have seen challenges in accessing the necessary support and its consequences shown in the significant case review of the death of Miss A in North Lanarkshire in 2016¹⁰.

Therefore, in principle, SCLD would support a right to access services for those experiencing violence against women and girls, including women with a learning disability, in law. We would, however, want to see this as a positive right based on choice and not a restrictive measure placed on individual rights. SCLD consequently warns against framing this right as similar to child and adult protection processes, which can often be viewed as punitive measures of control by people with learning disabilities. Ensuring this right is positive will involve careful drafting in legislation and should include, but not be limited to, a range of entitlements such as:

⁶ [SCLD \(2019\)](#)

⁷ [Scottish Government \(2017\)](#)

⁸ [Fraser of Allander \(2021\)](#)

⁹ [Inverclyde Council \(2020\)](#)

¹⁰ [North Lanarkshire Adult Protection Committee \(2016\)](#)

- Access to refuge,
- Support to be re-homed to escape violence and abuse,
- Access to long-term support following relocation, i.e., welfare support, support for employment etc,
- Access to independent advocacy,
- Access to supported parenting services,
- Access to counselling and other trauma-informed services.

This legal right will require adequate resources to ensure consistent, high-quality support across Scotland for all women and girls. Additional consideration will need to be given to resourcing accessible services for women with learning disabilities outlined in more detail in responses to questions 2, 7 and 8 below.

Types of Services Required (Question 2)

SCLD supports and welcomes a wide range of holistic supports for women and girls who have experienced gender-based violence and recognises the value these services can offer.

In our discussions with the Scottish Government Gender-Based Violence and Learning Disability Steering Group, we heard from members about the need for specialist provision across Scotland to meet the support needs of women with learning disabilities who have experienced gender-based violence. In our initial discussion, the group were unclear about whether these specialisms should exist separately or if specialist workers should sit within universal violence against women and girls services. If the latter was the preferred option, the group felt there should be efforts to mainstream this specialism throughout services through training and capacity building.

The Steering Group members also stated that they believed the following additional services would be of benefit to women with learning disabilities who are experiencing or have experienced gender-based violence:

- Flexible and timely welfare support when attempting to leave an abusive relationship. For this to work, there would need both a responsive social security system with mechanisms in place to allow women leaving situations of abuse to access social security payments and independent welfare advisors to support them through this process.

- Support workers to help women navigate a range of services. Similar services that help people navigate health care services currently exist, such as Links Worker Program¹¹, could be adapted to work in this context.
- Access to Specialist Domestic Abuse Advocacy (IDDA) learning disability workers trained in risk assessment for cases at risk of serious harm and murder.

Consistent Quality of Services and Removal of Barriers (Questions 7 & 8)

SCLD believes that a considerable barrier in terms of providing consistent services in line with local need for women with learning disabilities is data collection. As discussed in the evidence section of this submission, there are considerable data gaps concerning women with learning disabilities' experience of gender-based Violence in Scotland. To support the delivery of high-quality and consistent services, we believe that investment is required in developing robust national data sets for gender-based violence, which includes disaggregated data on learning disabilities. This work should be undertaken to ensure Scotland meets international obligations in line with Article 31 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)¹².

The issue of how we remove barriers to access to services for women with learning disabilities is also an area we focused our discussions on with the Scottish Government Gender-Based Violence and Learning Disability Steering Group.

One theme which came through strongly in this discussion was the need to improve the provision of Relationship Sexual Health and Parenting (RSHP) education so that women with learning disabilities can identify abusive behavior and know how to access services. This area requires further attention as evidence suggests that RSHP education for adults with learning disabilities often uses a deficit-based response. This is highlighted in survey findings from care staff, which found that sex education was provided reactively and delivered in response to direct questions on sexual conduct or to individuals acting in a sexually inappropriate way¹³. Concerningly, in the same survey, "*the client is developmentally ready*" was ranked by respondents as the lowest rationale for the provision of sex education.

¹¹ [Alliance](#)

¹² [Article 31 \(UNCRPD\)](#)

¹³ [Schaafsma \(2010\)](#)

Instead of a deficit approach, SCLD believes RSHP education for people with learning disabilities should begin in childhood and continue into adulthood. This will be a critical measure in preventing violence and coercive control. This aligns with Article 29 of the United Nations Convention on the Rights of the Child (UNCRC)¹⁴ and Article 23 of the UNCRPD¹⁵.

To ensure this move away from deficit-focused approaches, RSHP courses must not overemphasise the role of women's self-protection. Instead, there must be an emphasis on working with boys and men to recognise and address misogynistic actions and coercive, violent, and criminal behaviour. Adult RSHP courses should be available to both women and men. They must include focused work with men with learning disabilities who may not have received comprehensive RSHP at school age and who, due to a lack of supportive social networks, will have been forced to rely on the less credible relationship information.

SCLD is aware that many men with learning disabilities only receive comprehensive RSHP education when an offence has been committed or a protection concern is raised. For example, programmes such as the Caledonian System¹⁶ offer male perpetrators a schedule of one-to-one and group sessions as part of a mandatory requirement of a statutory order. While necessary, an approach grounded in early intervention is also required.

In addition to RSHP education, during our discussion on removing barriers, members of the Steering Group outlined a range of steps which could be taken to improve access to services. This included:

- Raising the profile of violence against women's and girls' services. This should include considering where and how these services are advertised and ensuring advertisements are accessible. For more information on making community groups and services accessible to people with learning disabilities, see SCLD's Active, Connected and Included Resource¹⁷.
- Consider how GPs can make direct referrals to violence against women and girls support services. This would require an overhaul of GP digital systems to achieve consistency across the country.
- Remove digital barriers by providing equipment and developing women with learning disabilities skills to access online information and services.
- Remove stigma, discrimination, and fear for women with learning disabilities in accessing services. Central to this is ensuring that support is not prohibitive so that

¹⁴ [UNCRC \(1989\)](#)

¹⁵ [UNCRPD \(2006\)](#)

¹⁶ [Scottish Government \(2016\)](#)

¹⁷ [SCLD \(2021\)](#)

women do not experience being punished for disclosing abuse via protection processes, including guardianship, but instead receive the support they need to recover.

SCLD believes that the points made by the group are crucial to ensuring women with learning disabilities have equitable access to violence against women and girls support services. The support offered to women mustn't be protectionist. Instead, it must be truly supportive in enabling women with learning disabilities to safely live and pursue meaningful relationships.

Conclusion

From consulting with the Scottish Government Gender-Based Violence and Learning Disability Steering Group and reviewing relevant evidence, SCLD is clear that the changes outlined in this submission are required to ensure women with learning disabilities have equitable access to support in line with several human rights conventions, including the Convention on the Elimination of Discrimination Against Women (CEDAW)¹⁸ and the UNCRPD.

SCLD, therefore, welcomes the work of the Independent Strategic Funding Review and hopes that moving forward, the review is cognisant of the work undertaken in Scotland to incorporate international human rights convention into Scots Law as part of the new Human Rights Bill for Scotland. Keeping this in mind is critical in ensuring the work of the strategic funding review supports the realisation of these rights for women with learning disabilities across Scotland.

SCLD thanks the review team and the Scottish Government for the opportunity to respond to this call for evidence.



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¹⁸ [CEDAW \(1979\)](#)

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