

Protocol: Parental Disability and Safeguarding Children

Background to protocol

The **Integrated Safeguarding Practice Review - Family T** report¹, commissioned by the Luton Safeguarding Children Partnership (LSCP) and Luton Safeguarding Adults Board (LSAB), reviews the chronic neglect of two children, Arnie and Ruby. It analyses the inadequate multi-agency response to their parents' disabilities and self-neglect.

Despite long-term involvement from various agencies, the family lived in unsafe, unclean, and cramped conditions, with the children acting as young carers. The review highlights significant gaps in coordinated intervention, professional disagreements, and delays in safeguarding actions. Recommendations were provided to improve joint working protocols, ensure the paramountcy of children's needs, and enhance the effectiveness of safeguarding practices. This protocol focusses on working with parents with disabilities.

This joint working protocol outlines the responsibilities and collaborative practices of Adult and Children's Services when a parent or carer has a **learning or physical disability** that may affect their capacity to meet the needs of their child(ren). The goal is to ensure a **whole-family approach**, promoting **early intervention**, **child welfare**, and **support for parents**.

The joint working protocol is a guidance document for all staff working across Luton to improve working together between Adult and Children's services and other partners where a parent/carer of a child has a disability or impairment which may affect their capacity to parent to a good enough standard. This protocol should be read in conjunction with the [LSCP effective support for children and young people in Luton](#) (2022) and the LSAB [the Luton framework for shared understanding about safeguarding concerns](#) (2024).

When Should it be Used?

While many adults with disabilities are able to parent effectively, where a parent or carer has a **learning or physical disability; long term or chronic illness; sensory impairment or neurodiversity**² that **affects or is likely to affect their capacity to meet the needs of children** in the family and requires assessment or services in relation to their disability and / or impairment.

¹ [Safeguarding Practice Review Family T Sept 2024](#)

² [What is neurodiversity](#) YouTube video by Differing Minds

Legal and Policy Framework

- **Children Act 1989 & 2004** – Duty to safeguard and promote the welfare of children.
- **Care Act 2014** – Duty to support adults with care and support needs.
- **Equality Act 2010** – Duty to make reasonable adjustments and prevent discrimination.
- **Human Rights Act 1998** – Protection of family life and right to a private life.
- **Working Together to Safeguard Children (2018)** – Statutory guidance on inter-agency cooperation.

Definitions

- **Learning Disability:** A significantly reduced ability to understand new or complex information, learn new skills, and cope independently.
- **Physical Disability:** A long-term physical condition that substantially affects a person's ability to perform daily activities.
- **Parenting Capacity:** The ability to meet a child's developmental needs.

Principles

- **Child's Welfare is Paramount:** The child's safety, welfare, and developmental needs take precedence.
- **Respect for Parental Rights:** Disability does not equate to incapacity. Parents are entitled to appropriate support.
- **No Automatic Assumptions:** Concerns must be based on evidence, not assumptions about disability.
- **Whole-Family Approach:** Adults' and children's services must coordinate to assess and support the entire family.
- **Early Intervention:** Identify and address needs before situations escalate.

Identification and Referral

- Any professional who becomes aware that a parent's disability may impact parenting capacity must:
- Record concerns clearly and factually.
- Consider whether **both Adults' and Children's Services** should be involved.
- Make a referral through the **Multi-Agency Safeguarding Hub (MASH)** or local equivalent.

When a concern is raised:

- A **joint assessment** should be considered under the **Care Act** and **Children Act**.
- Use the **Think Family** approach, sharing information lawfully and proportionately.
- Assess:
 - The **impact of the parent's disability** on parenting tasks.
 - **Support networks** and resources already in place.

- The **child's developmental progress**, health, education, and emotional wellbeing.
- Whether reasonable adjustments or services can mitigate concerns.

Key Messages:

- There are no separate referral pathways for parents with disability or impairment.
- Children and Adults Services should start working together to plan and coordinate assessments and actions as soon as it is recognised both the child(ren) and an adult in the family are open to Luton Social Care.
- Parents with a disability/impairment have the same rights as all parents regarding consultation where it concerns their child.
- It is essential all workers involved are mindful of the need for reasonable adjustments and the time needed to facilitate effective communication with these individuals as part of an assessments and any planning/actions that follow. Helpful information on facilitating communication can be found here: [Communication skills](#)
- Practitioners working with parents with a learning disability should consider the good practice guidance on working with parents with a learning disability.

Assessments:

Each service will continue to undertake assessments according to their required procedures. When doing so, the following principles apply;

- Adult's Services have responsibilities for assessment and care planning for adults living with disabilities.
- At the same time children services should ensure appropriate assessments for child(ren) are undertaken including child carer assessments.
- It is good practice for Adults and Childrens Services to jointly coordinate assessments and care planning where parents need support for the medium to long-term to enable them to meet their children's developmental needs.
- Where there are safeguarding concerns, the welfare of the child should be paramount and integral to all decision making.
- Children's Services lead assessment and planning (with specialist input from Adult's Services) where intervention is required to prevent children suffering significant harm or where children's needs are complex and/or there is a disabled child in the family.

Information Sharing Between Services:

Information sharing between Childrens and Adult Services is a critical and can be a complex process, governed by legal frameworks, professional responsibilities and the need to safeguard and support individuals effectively.

The main reasons for sharing information between Childrens and Adult Services include:

- **Safeguarding:** To protect children or vulnerable adults from harm.
- **Transition Planning:** Supporting young people with additional needs as they move from Children's to Adult Services (typically around age 18).
- **Continuity of Care:** Ensuring consistent service provision and avoiding gaps when responsibilities shift.
- **Family Assessments:** Considering family situations holistically, e.g., when a parent has care needs and there are dependent children.

Legal Frameworks for information sharing

Several laws and statutory guidance documents govern how and when information should be shared:

- **Children Act 1989 & 2004:** Emphasises the duty to safeguard and promote the welfare of children.
- **Care Act 2014³:** Places a duty on local authorities to promote well-being and work in cooperation with relevant partners.
- **[Data Protection Act 2018](#) & UK GDPR:** Sets out lawful bases for data sharing, including consent, vital interests, and public task⁴.
- **[Working Together to Safeguard Children \(2023\)](#):** Statutory guidance highlighting multi-agency collaboration and information sharing.
- **[Information Sharing Advice \(May 2024\)](#) Information Sharing: Advice for Practitioners (2023):** Provides principles and practical steps for information sharing in safeguarding contexts.

What information needs to be shared

- Chronologies of both child and adult⁵
- Previous assessments (e.g. risk, single, specialist, parenting)
- Identification of any disability/impairment of parent(s) and their support needs to ensure capacity issues are identified and/or appropriate assessment tools are used
- Communication needs of the parent(s)
- Identification of the advocate or unmet need for an advocate.
- Any information pertaining to the risk of harm to child(ren) from the parent(s)
- The need for joint meetings with parents to support them in understanding processes.

Resources and Funding:

Where funding for support may be required the plan will be specific about the purpose, source and timescale and any other relevant aspect. Under this joint

³ <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

⁴ <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/>

⁵ <https://trixcms.trixonline.co.uk/api/assets/bedfordscpl/4e07d829-fe27-444b-8276-b0578cc5f548/guide-pract-chronol-geno.pdf>

working protocol, clear individual agency responsibilities and eligibility thresholds will continue for their respective service users.

Capacity and Other Psychological/Psychiatric Assessments to Formally Diagnose Learning Disability/Impairment of Functioning:

It may be necessary for a person to have an assessment regarding their level of learning disability, including capacity to agree to Section 20 Children Act 1989, voluntary care arrangements for a child and capacity to conduct proceedings before or during care proceedings.

Requests for such an assessment will be considered by the locality Family Help Team. Such assessments are not within the remit of Learning Disability specialist health teams, and therefore alternative arrangements must be made for these assessments to be commissioned by Children's Services. Learning Disability services only conduct such assessments if there are clinical reasons.

Where a psychological/psychiatric assessment is required, the Adult Services is to be consulted regarding any relevant information they may hold and the letter of instruction required to commission any such assessment.

Legal Advice:

Adult Services and Children's Services will take legal advice where there are concerns regarding the parent's ability to look after the child even with support in place. This will have a focus on ensuring unmet needs are met and both the children and adults are safeguarded.

Escalation and Safeguarding

If concerns escalate:

- Follow **local safeguarding procedures** [LSCP escalation procedures](#) and [LSAB Resolving Professional Disputes](#).
- A **Section 47** (Child Protection) enquiry may be initiated if there is reasonable cause to suspect significant harm.
- Consider **Pre-Proceedings** under the Public Law Outline if child protection concerns persist.
- Provide parents with **accessible legal and procedural information**.
- Where there are safeguarding concerns for the parents then the [Pan Beds overarching aims duties and principles for adult safeguarding](#) procedures should be followed. An adult is anyone over the ages of 18.

Review of Protocol

This protocol should be reviewed **every three years** or in light of:

- Safeguarding Adult Reviews or Child Safeguarding Practice Reviews.
- Changes in legislation or statutory guidance.
- Feedback from service users and frontline staff.

Helpful Resources and Contact Details

Luton Referral Pathways to Adult Services: [Adult Safeguarding Concerns](#)

Luton Referral Pathways to Childrens Services: [safeguarding children concerns](#)

Luton Sensory and Disabilities: [Luton disabilities](#)

Safeguarding Bedfordshire: <https://safeguardingbedfordshire.org.uk/>

Safeguarding Bedfordshire is a shared website that has a wealth of information on safeguarding adults and children across 'Pan Bedfordshire' (*this is how we describe the joint work partners across Bedford Borough, Central Bedfordshire and Luton and their Adults Safeguarding Boards and Safeguarding Children Partnerships undertake together to support and safeguard vulnerable adults children, young people and their families*).

For many of our partners, for example Police and Health services, who work across the three areas it makes sense to support them and prevent duplication of work. It also means that practitioners and members of the public only have to remember one website address to access all the multi-agency safeguarding information they need.

The engagement tools on Safeguarding Bedfordshire and the interagency procedures websites can provide information on how to produce other formats:

[Engaging adults with care and support needs](#)

<https://bedfordscb.proceduresonline.com/index.html>

<https://panbedfordshiresabs.trixonline.co.uk/>

Royal College of Psychiatry – free information leaflets www.rcpsych.ac.uk

UK NICE Guidelines on ADHD in children, young people and adults and www.adders.org ADDISS

The National Attention Deficit Disorder Information and Support Services

www.addiss.co.uk or **ADHD Foundation** www.adhdfoundation.org.uk

RNIB: <http://www.rnib.org.uk/information-everyday-living-family-friends-and-carers/resources-blind-or-partially-sighted-parents>

Visionaware – American organisation but has some useful info on all aspects of parenting: <http://www.visionaware.org/info/emotional-support/for-family-and-friends/introduction-to-blind-parenting-series/123>

Action On Hearing Loss (formally RNID) A source of information about Hearing loss and Deafness including benefits, communication support and assistive technology <https://www.actiononhearingloss.org.uk/live-well/products-and-technology/>

If there are any other resources you think should be added please let us know at: Safeguarding Children And Adults: SafeguardingChildrenAndAdults@luton.gov.uk