

Self-study notes

Unit No. 5 Disability

Unit objectives

- To provide a basic introduction to the Equality Act 2010
- To provide information about disability in the population of looked after children
- To provide a basic introduction to the different models of disability
- To raise awareness of “invisible disabilities” and their impact on learning

Outline of Unit

- The legal context
- Activity “Revolution”
- Models of Disability
- Power of language and labels
- Video Clip: “Best Foot forward with Dyslexia: Rossie Secure Accommodation Services,” available to download from Journey to Excellence website at http://www.journeytoexcellence.org.uk/videos/video_tcm4540777.asp
- Recognising and responding

Introduction

Welcome to the unit on disability. This is a very basic introduction to some fundamental concepts underpinning work with disabled children and young people. It does not focus on children with serious difficulties although it does point out that some children are looked after primarily as a result of a disability and also that a significant number of disabled children receive a short break service away from their homes on a regular basis. It also includes a brief introduction to the legal context as set out in the Equality Act 2010.

Although there are a number of children with severe and complex disabilities who are looked after, this unit does not attempt to address their needs nor does it explore in detail the specific supports that may be required for children with any particular impairment.

The legal context

Download the PowerPoint slides on ‘The Equality Act 2010t’

The Equality Act 2010 draws together several equality strands, it replaces and builds on the Disability Discrimination Act (DDA) 1995 and 2005 which aimed to

end the discrimination that many disabled people face. The slides outline the definition of disability under the Act. The existence of an impairment is not in itself sufficient to meet the criteria for a disability. It also has to have a disabling effect on the person's ability to undertake normal day to day activities. The Act also lays an obligation on public bodies to ensure that they do not treat a disabled person less favourably, for a reason relating to the person's disability, than they treat (or would treat) a person who did not have a disability. They are expected to make reasonable adjustments to make sure that disabled people are not placed at substantial disadvantage. A number of looked after children would meet this legal definition of disability. For some children the Act may be a way of tackling unfair disadvantage.

The Children (Scotland) Act 1995 section 23, requires local authorities to provide support and services to children affected by disability (their own or that of another family member). Under this Act a parent may request the local authority conducts an assessment of the child's needs. Provision should aim to minimise the effect of disability on the child, safeguard and promote their wellbeing and help them to live a life which is as normal as possible. This is likely to include services which are tailored to individual need, but could for example include short break services or support at home or school.

Under the UN convention on the rights of the child, disabled children have the right to enjoy a full and decent life, to receive special support to access services and opportunities to reach their fullest possible integration and development. See: www.un.org/esa/socdev/unyin/.../children_disability_rights.pdf

Other relevant legislation are the Children and Young People (Scotland) Act 2014 (in relation to incorporation of the UNCRC, children's services planning and the Child's Plan), and the Education (Scotland) Additional Support Needs) Acts of 2004 and 2009. For more information we recommend visiting the Enquire website at www.enquire.org.uk.

A **Quick Start Guide** is included in the materials for this unit; this introduces the Equality Act 2010 as it relates to disabled people.

<http://www.improvinghealthandlives.org.uk/> has useful information about how some local authorities and other organisations have made reasonable adjustments for people with learning disabilities.

Activity: Revolution

Read the handout "*Revolution*" and reflect on it. What impact did the story have on you? Were these concepts familiar to you? Do you recognise in your own organisation or indeed in yourself any attitudes or environmental factors that could have the same disabling effect on people as is described in the story? It would be good to discuss these ideas with colleagues.

Models of Disability

Following on from the Revolution story we are going to explore two different models of disability. Look at the PowerPoint slides 'Models of Disability'.

What do you think are the positive and negative aspects of each model?

When you have completed this to your satisfaction read the handout "Models of Disability".

Had you recognised some of the positives of the medical model and some of the problems of the social model?

If you wish to explore this further it may be useful to read the article by Tom Shakespeare and Nicholas Watson "*The social model of disability: an outdated ideology?*" available at <http://disability-studies.leeds.ac.uk/files/library/Shakespeare-social-model-of-disability.pdf>.

Looked after children and disability

Many people are confused about the legal status of disabled children who are cared for or educated away from home whether on a long term basis or for short breaks, sometimes called respite. The Children (Scotland) Act 1995 states that children who are placed for respite in a residential or family setting for more than 24 hours in any one period are "looked after" by the local authority and deserve all the support and protection that this entails. There is resistance from some parents and professionals to accepting this, however, as they are concerned about the stigma associated with the looked after status. For local authorities the additional cost of providing an appropriate level of service to these disabled young people once they accept that they are looked after is considerable. The decision about their status can have a real impact on the service that children and their families receive. Recently some disabled children had additional money made available to them to support their education as they were classified as looked after whereas others who had not been given that status got nothing.

We also know that within the looked after children group there are a number of children who have impairments or conditions that are to a varying degree disabling to them. Some of these children are receiving appropriate support but others are not. Despite the legal definition provided by the Equality Act, it is not easy to pin down a clear definition of what constitutes a disability. "Social, emotional and behavioural difficulties" is a category in the disability section of the Scottish Government's statistics on Looked After Children. A substantial proportion of looked after children would meet this criteria but neither they nor their carers would necessarily view this as a disability. One of the advantages of the new legislation on additional support for learning is that a child is eligible for help if there are any factors which adversely affect their learning and these do not have to fit into a particular box.

We know from research that some looked after children have a range of disabling conditions that are not recognised. These include learning difficulties, communication difficulties, sensory impairments and physical difficulties. The

traumatic backgrounds of many looked after children can lead professionals to assume that their behaviour or difficulties in learning are only do with the adverse experiences they have had in their earlier lives. This type of confusion can lead to serious difficulties, which are amenable to help, going unrecognised. This can have a cumulatively adverse effect on children's emotional, social and cognitive development.

Video Clip: Watch the clip of "Best Foot forward with Dyslexia: Rossie Secure Accommodation Services," available to download from Journey to Excellence website at

http://www.journeytoexcellence.org.uk/videos/video_tcm4540777.asp. In the film, teachers describe how they assess the additional support needs of young people. You might like to consider, for example, the emotional impact on young people whose needs are now being assessed and met but who will typically have faced barriers to effective learning for many years' previously.

Final thoughts

Consider how the getting it right for every child approach can be used to support children with different impairments and minimise the impact of disability on them.

Reflect back over the whole unit. Identify any areas of practice that you would like to improve or training that you would like to attend.

Discuss these with your supervisor or line manager. Attempt to engage colleagues to help you conduct an audit of your own organisation.

Try to identify and challenge any aspects of the environment or attitudes of staff that prevent disabled looked after children successfully engaging with their education or other day to day activities.

For further reading, we recommend reading the Insight paper, Permanence and Stability for Disabled Looked After Children, by Claire Baker on the Iriss website at: www.iriss.org.uk/resources/permanence-and-stability-disabled-looked-after-children