

The response of the Special Educational Consortium to the consultation response on:

Domestic Abuse Act Statutory Guidance

The Special Educational Consortium (SEC) is a membership organisation that comes together to protect and promote the rights of disabled children and young people and those with special educational needs (SEN). Our membership includes the voluntary and community sector, education providers and professional associations. SEC believes that every child and young person is entitled to an education that allows them to fulfil their potential and achieve their aspirations.

SEC identifies areas of consensus across our membership and works with the Department for Education, Parliament, and other decision-makers when there are proposals for changes in policy, legislation, regulations and guidance that may affect disabled children and young people and those with SEN. Our membership includes nationally recognised experts on issues including assessment and curriculum, schools and high needs funding, the SEN legal framework, exclusions and alternative provision. This response therefore focuses on the SEN and disability aspects in particular.

SEC welcomes the opportunity to respond to the *domestic abuse: draft statutory guidance* which will support the implementation of the definition of domestic abuse at sections 1 to 3 of the Domestic Abuse Act. Within the draft framework, the data shows that disabled victims are more likely to face abuse, and more likely to be living with the perpetrator. A key concern for SEC is about the barriers that disabled children and young people face to seeking and accessing support. We set out some specific points about the need to tailor the support for pupils with special educational needs and to make reasonable adjustments for disabled pupils to understand and recognise abuse, along with developing the communication to talk about and report abuse. We also highlight the importance of high-quality Relationship and Sex Education (RSE), and the role schools and colleges can play in supporting children and young people.

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Context:

Disabled people have historically experienced disproportionately higher rates of domestic abuse, for longer periods of time, of higher severity and with higher frequency than non-disabled people. In the year ending March 2020, disabled people were nearly three times more likely to have experienced domestic abuse than non-disabled people, where those who reported a mental illness (20.5%), a social or behavioural (20.0%) or a learning impairment (19.1%) have the highest rates. The draft statutory framework comes in the wake of significant increases seen in Domestic Abuse, particularly since the coronavirus pandemic. There has generally been an increase in demand for services, such as helplines, for victims of domestic; this does not necessarily indicate an increase in the number of victims, but perhaps an increase in the severity of abuse being experienced and a lack of available coping mechanisms such as the ability to leave the home to escape the abuse, or attend counselling¹.

A Women's AID report, *Making the Links: Disabled Women and Domestic Abuse*², found disabled women are twice as likely to experience gender-based violence than non-disabled women. They are also more likely to experience abuse over a longer period of time and suffer more severe injuries as a result. Individuals with SEN and disability are less likely to seek help and more likely to report that the help received is not appropriate to their needs, due to the lack of accessible accommodation, the lack of information on tape or in Braille, and the unavailability of sign language interpreters.

The specific risks that people with SEN and disabilities face means they are often in particularly vulnerable circumstances that may compromise their ability to recognise abuse, report abuse, defend themselves or leave an abusive situation. The multiple risk factors and vulnerable circumstances are varied and can have long-lasting effects on individuals with SEN and disability.

An impairment raises the risk of domestic abuse for disabled people because it creates social isolation and the need for assistance with health and care needs... Many barriers prevent disabled people leaving the perpetrators of abuse. A disabled person may feel that he or she cannot leave a perpetrator because of the reliance on them for personal and medical care, housing or financial security.

Public Health England (2015) *Disability and domestic abuse; Risk, impacts and response.*

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<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseduringthecoronaviruscovid19pandemicenglandandwales/november2020#main-points>

² <https://equation.org.uk/wp-content/uploads/2016/02/EQ-LIB-127.pdf>

The impact this has on children from either witnessing domestic abuse or being in an abusive relationship themselves can have long-lasting effects. An Action for Children report (2019) has underlined the limitations of services for children who have witnessed abuse or violence, describing services as '*patchy, piecemeal and precarious*'. This underlines the lack of joined up or universal services to respond to Domestic abuse and the instability of service provision that depends on philanthropy, especially in a period of austerity when expenditure on services to support families has been heavily cut, especially in more disadvantaged areas (Webb and Bywaters, 2018).

Disabled children are at significantly greater risk of abuse and children with SEN and disabilities may lack awareness that what they experience constitutes abuse or may not feel able to seek help. All children have the right to be protected from abuse, and all those working with them have a safeguarding responsibility to do so. There is a demand for safe and accessible services for disabled children and prioritising safeguarding measures to ensure child protection and criminal justice systems work effectively for children with SEN and disabilities.

A child protection system that is effective for disabled children will be one that is effective for all children.

NSPCC (2014), 'we have the right to be safe', protecting disabled children from abuse

This context sets out the concerns around the higher rate of domestic abuse of children and young people with SEN and disability. In this response, we analyse some of the current issues of recognising and reporting abuse, along with the barriers to accessing support. SEC concludes with four main 'asks' of the draft framework primarily focused on the quality of Relationship and Sex Education (RSE) and ensuring children and young people have the 'tools' to communicate and report abuse. The 'asks' are:

1. SEC would like preparation of disabled pupils to be able to understand and recognise abuse
2. SEC would like the development of key communication skills to be able to report abuse
3. SEC would like to ensure there are appropriate avenues to report abuse and access support services
4. SEC would like accessibility of refuges for disabled victims of abuse.

In addition to the suggestions to the draft framework, SEC would recommend for the Home Office to work with the Department of Education and commission Ofsted to carry out inspections on the quality of RSE for children and young people with SEN and disability. By ensuring high-quality RSE, schools and colleges can support disabled pupils to develop the key skills to recognise and report abuse, and appropriately access support services.

Identifying and reporting abuse

There are several factors that contribute to disabled children and young people being at greater risk of abuse³. The draft framework references the barriers that deaf and disabled victims experience, along with communication barriers to reporting abuse. Children and young people with speech, language and communication needs, including those who are Deaf, have a learning disability or a physical disability, face additional barriers to sharing their concerns. This could be due to adults having difficulty understanding a child's speech, adults not having the skills to communicate via the child's preferred communication system, and difficulty in teaching what abuse is or how to keep safe. Without this knowledge, children and young people may not recognise that they are being abused or have the 'tools' to describe what is happening to them.

Adults may also misunderstand the indicators of abuse for signs of a child's disability, which thereby prevents adults from taking appropriate actions. Children and young people with SEN and/or disabilities also face increased isolation and therefore have fewer opportunities to report abuse, along with limited access to support systems. It is important that children and young people have the communication 'tools' appropriate to report abuse and adults are appropriately trained to aid the communication of children and young people where needed. This also highlights the importance of multi-agency communication to ensure appropriate safeguarding of disabled victims.

Providing appropriate support and accessible accommodation:

SEC's concerns are around the support in place for children and young people with SEN and disability to recognise and report abuse, as well as seeking appropriate help and support. Support cannot be a one-size approach. Domestic abuse takes multiple forms, in diverse groups and communities and therefore intersectionality must be applied as an essential principle due to the individual needs of each child or young person with SEN and disability.

Refuge services are a core component of the response to domestic abuse, as mentioned in point 290. However, reasonable adjustments need to be made to safely accommodate individuals with disabilities and complex needs. The framework needs to address how individuals with SEN and disability can access refuge services and how these services will be accessible based on their

³ [Safeguarding d/Deaf and disabled children | NSPCC Learning](#)

needs. Any form of support should involve consultation with children and young people themselves to ensure their voice is embedded in a multi-agency response.

Ensuring high-quality Relationship and Sex Education (RSE):

A key concern for SEC is ensuring there is high-quality relationship and sex education within schools and colleges, differentiated to meet the needs of children with SEN and disabilities. This is a requirement within the DfE's statutory guidance on [RSE and health education](#), however school-based education should focus on changing attitudes and norms that support domestic abuse and that teach children and young people about healthy relationships and consent. The lack of knowledge on sex, sexual and reproductive health, consent and healthy relationships among disabled people has been discussed as a risk factor for domestic abuse. It is important for children and young people to understand relationships, be able to understand and recognize abuse, and have the tools to communicate about and report abuse. School-based education has the potential to increase disabled people's knowledge about healthy relationships, boundaries and consent, and to decrease domestic abuse⁴.

All children are entitled to RSE as per the UN Convention on the Rights of the Child (1989), which establishes that all young people have the same right to enjoy their sexuality in a healthy way, free of any coercion or abuse, and have access to high-quality sex education and sexual health services. Like all learning for pupils with SEN and disability, RSE should be appropriately differentiated to their needs and part of life-long learning. RSE is most effective when delivered through a whole school approach. Pupils with SEN and disability will require continuous informal opportunities to be explicitly taught about safety within relationships, as well as the formal RSE curriculum. For example, when pupils are queuing for lunch there is an opportunity to reinforce learning about personal boundaries. All staff should be actively involved in offering consistent messages around RSE, e.g. teaching assistants, lunchtime supervisors, drivers, travel guides.

The Sex Education Forum produced a guide on RSE for disabled pupils and pupils with SEN (2020)⁵. The curriculum and topics covered in RSE are similar but may need to be taught at a different pace and detail based on need. It may be appropriate to revisit topics more frequently

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/480942/Disability_and_domestic_abuse_topic_overview_FINAL.pdf

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<https://www.sexeducationforum.org.uk/sites/default/files/field/attachment/RSE%20for%20disabled%20pupils%20and%20pupils%20with%20SEN%20-%20SEF.pdf>

to support 'overlearning' for pupils with SEN and disability. Pupils with a physical disability should have access to RSE alongside their peers as well as additional opportunities to explore circumstances that may raise for them. It may be appropriate to offer additional small group sessions for pupils with SEND which allow for questions and discussion that might be challenging or increase the risk of bullying in a usual class format. Conversations should be in a safe space with a trusted and informed adult, with access to appropriate and high-quality resources specific to their needs. Teachers should use accessible language, ensure all images and resources are inclusive, and have materials available in a range of media when required.

For pupils with more significant needs, their particular RSE needs may helpfully be assessed as part of an EHC needs assessment, with provision to meet those needs set out in their EHC plan. For pupils who already have an EHC plan, specific consideration of their RSE needs may helpfully be provided at annual review.

In Conclusion

Domestic abuse can affect everyone. As established, disabled victims face specific barriers which may place them in vulnerable situations. The statutory framework should address the barriers that may be present in disabled victims along with appropriate avenues to report abuse and access support services.

In summary, the guidance should highlight the importance of:

1. Children and young people being able to understand and recognise abuse,
2. Developing key communication skills to be able to report abuse,
3. Disabled pupils being able to access appropriate support services, with clear avenues on how to do so, and,
4. Accessibility of refuges with a key focus on communication.

Based on the importance of understanding and recognising abuse, we would encourage the Home Office to work with the Department for Education and commission Ofsted to carry out survey inspections on the quality of RSE for pupils with SEN and disabilities.

For further information:

SEC would be happy to provide further information or to clarify anything in our response.

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September 2021