

Cyflwynwyd yr ymateb hwn i'r ymgynghoriad mewn ymateb i destun ymgynghori sydd wedi'i ddiwygio ers hynny. Gweler tudalennau'r ymchwiliad a'r ymgynghoriad i gael rhagor o wybodaeth. | This consultation response was submitted in response to consultation text that has since been amended. See the inquiry and consultation web pages for this inquiry for more information.

CYPM8 Learning Disability Wales

Senedd Cymru | Welsh Parliament

Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee

Plant a phobl ifanc sydd ar yr ymylon | Children and Young People on the margins

Ymateb gan Anabledd Dysgu Cymru | Evidence from Learning Disability Wales

Please set out any views on missing children below.

You may wish to consider:

- Nature and scale of the issue and regional variations.
 - At risk groups: including the impact of care experience and out of area placements.
 - Practice: issues such as information sharing and data collection.
 - Policy: the effectiveness of devolved policy and practice responses, including Welsh Government oversight. Whether there is effective read across to relevant Welsh Government strategies.
 - Devolved and UK powers: how joined up is the interface between devolved and non-devolved policy such as criminal and youth justice.
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Please set out any views on children and young people who are victims of criminal exploitation below.

You may wish to consider:

- Nature and scale across Wales and regional variations (e.g. traditional, drug related, sexual, financial).
 - At risk groups: including care experience, children experiencing trauma in the home and children not enrolled in mainstream education.
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- **Policy: The effectiveness of devolved policy including Welsh Government oversight. Whether there effective read across to relevant WG strategies such as Child Sexual Exploitation.**
- **Practice: Approaches to prevention, community resilience, early intervention, support provided and exit strategies for victims. Practice issues such as information sharing and data collection.**
- **Devolved and UK powers: How joined up is the interface between devolved and non-devolved policy such as criminal and youth justice? Are there any points of tension between criminal law and safeguarding?**

Nature and scale

Evidence suggests that children with a learning disability are more vulnerable to exploitation. This is reflective of the many barriers faced by children and young people with a learning disability more generally in their lives, consequently meaning they are more at risk of being exposed to predatory adults.

A 2015 report by Barnardo's (1) into child sexual exploitation of young people with learning disabilities underlined this, providing detail of how predators manipulate and take advantage of their victims through lived stories and comprehensive data collected from local authorities and young people.

The challenges for young people with a learning disability in this space mirror the challenges society puts in their way more generally. Such young people often find themselves infantilised, over protected at one stage in their life and under protected in another.

To compound these challenges, those in positions of power, for example in the police or at schools, sometimes do not understand or are not sympathetic to the specific needs of individuals who have suffered abuse, many times unknowingly.

At risk groups

The Barnardo's report into sexual abuse and exploitation indicated that young people with learning disabilities or difficulties constitute a significant minority of sexually exploited young people. The report also references a study carried out in 2013 (2) that found that young people with a learning disability are particularly vulnerable to being encouraged to run away, are less likely to be aware of online risks, and those whose parents also have a learning disability are even more at risk of being targeted by exploitative adults.

Despite this, little further work has been done in this area. There is a need for government to produce research into the issue to understand better the nature and scale of the problem. Learning Disability Wales wishes to emphasise the concerning gap in knowledge in this area and the need to learn more about what is happening.

Policy

Barnardo's suggested a raft of recommendations for Welsh Government to implement that would have helped in this area. The extent to which any of these policies were brought in is unclear, and an update on progress and work undertaken by officials would be helpful.

If the rights and well-being of children and young people with a learning disability are better protected, then the safeguarding of all children and young people will be strengthened. It is our belief at Learning Disability Wales that clear and specific policy relating to children and young people with a learning disability is necessary, especially given the evidence suggesting they are at risk of being victims of such crime. However, there is a related issue here in terms of governance and the powers over criminal justice reserved to the UK Government. The ability of the Welsh Government to act in this area is diminished by its lack of power over criminal justice.

Practice

Learning Disability Wales would like to see improved safeguarding for young people with a learning disability. Evidence suggests that institutionally, there is sometimes a problem in supporting and connecting with victims if they have a learning disability. The Barnardo's report picks out upsetting experiences lived by victims of exploitation, highlighting a sense of mistrust exposed between those victims and people in authority.

There is a need to educate public servants such as police officers to understand how the needs of a person with a learning disability are different, nuanced and individualistic and that often they will not understand that they have been exploited, groomed or abused by predators. If children and young people with a learning disability are at greater risk of being victims of abuse, then there is a training need for police and social services, health workers, teachers and others, to understand how that abuse might be manifested and evidenced.

Devolved and UK powers

Since the establishment of law-making powers for Wales, there has been a growing body of work advocating devolution of powers over criminal justice with several commissions and reports suggesting such a move would prove beneficial. Most recently, the Independent Commission on the Constitutional Future of Wales (3) recommends the devolution of criminal justice on the grounds that Wales's small jurisdiction would improve outcomes across the system.

Given the establishment of a devolved government in Wales is already creating a divergence in legislation between England and Wales, the devolution of powers over criminal justice would seem sensible.

For people with a learning disability, who, as established already, are more at risk of exploitation and abuse than others, devolving powers over criminal justice could

mean a more accountable system. This could mean strengthening safeguards for at-risk groups and developing a more responsive policy approach to tackling institutional and societal issues that make the most vulnerable more likely to suffer abuse and/or exploitation.

Learning Disability Wales wants Wales to be the best country in the world for people with a learning disability to live, learn, love and work. The establishment of a devolved criminal justice system would build towards that by offering Wales-based solutions to the specific challenges faced here in Wales.

Please set out any views on other groups of children on the margins.

You may wish to identify other groups of children “on the margins”. These would be groups of children in circumstances that require a specific response from children’s services or other statutory providers and for which there are concerns about the current policy or practice.

1: Franklin, A. Raws, P. and Smeaton, E. 2015. Unprotected, overprotected. meeting the needs of young people with learning disabilities who experience, or are at risk of, sexual exploitation. Available at: (PDF) Unprotected, overprotected: meeting the needs of young people with learning disabilities who experience, or are at risk of, sexual exploitation (researchgate.net)

2: Smeaton, E 2013. Running from hate to what you think is love: The relationship between running away and child sexual exploitation. Available at: <https://www.icmec.org/wp-content/uploads/2017/03/Barnardos-running-away-and-exploitation-2013.pdf>

3: Final Report of The Independent Commission on the Constitutional Future of Wales (gov.wales)

If you have anything else you wish to share with us, please do so below.

Learning Disability Wales is a national charity representing the learning disability sector in Wales. We want Wales to be the best country in the world for people with a learning disability to live, learn, love and work.

We work with people with a learning disability and their families, Welsh Government, local authorities, disabled people’s organisations and the voluntary sector so we can create a better Wales for all people with a learning disability.

This inquiry has real relevance to the well-being of people with a learning disability who are often forgotten and marginalised.