

THE PREVALENCE OF SEXUAL ABUSE FOR THOSE WITH LEARNING DISABILITIES

Children and adults with learning disabilities are at a disadvantage in their contact with the criminal justice system; some reports have identified the additional issues faced by those with learning [and other] disabilities particularly in relation to victimisation. Research found indicates firstly, as with all child abuse, disclosures (and therefore reports) are rare; those with disabilities (learning, mental or physical) are less likely than those without to disclose abuse or, if they do, are less likely to be believed, their credibility is considered to be poor and therefore positive action is rarely taken.

Overview

- Children and adults with disabilities, of any kind, are three or four times more likely to suffer from abuse, including sexual abuse. However, these figures are estimates. The prevalence of sexual abuse among children with learning disabilities/difficulties is unclear; prevalence rates can vary depending upon definitions of both sexual abuse and of disability by researchers.
- Training is limited; Strathclyde University's scoping study highlighted a need to train all those involved in child protection and disability jointly and at all levels; additionally, any training should involve disability groups.
- Safeguarding vulnerable adults and children including those with learning difficulties is the responsibility of all agencies although Government guidelines note responsibility lies primarily with adult or children's social care.
- UNICEF recommend in their 2005 report on violence against disabled children that disabled children be included in specific prevention initiatives (and such should be applied to adults).
- Lord Bradley's 2009 report into mental health and the criminal justice system made a number of recommendations; these included schemes being set up to determine how best to serve those with mental health/learning disabilities in local areas by relevant agencies. Although primarily based on offenders, much of the issues raised therein could be applied in some form to victims, such as inspectorates working with the Care Quality Commission to ensure quality assurance for services for those with learning disabilities or mental health issues.
- A study by Glamorgan University recommends that those with learning difficulties are listened to (through words and behaviour) and are believed as well as ensuring that appropriate action is taken. Further, therapeutic services should be further developed by government and/or local authorities and such is provided in a timely manner.

Research

An article published in 2011 found the number of victims of sexual violence aged under twenty-one who sought assistance was 2,235 of which 562 were disabled.¹ The VERA² project's report by Smith and Harrell noted research indicates that children with disabilities are almost three times more likely than those without to be sexually abused; those who have intellectual or mental health disabilities are most at risk being over four and a half times at risk than those without disabilities. Further, of three million reports relating to child maltreatment, 10% involved cases of sexual abuse and of those 11% had reported a disability. Smith and Harrell also refer to a school based study in Nebraska (USA) again indicating children with disabilities were three times more likely to be sexually abused from a sample of over forty-thousand children in public schools. The study found

¹ "Different yet complementary: two approaches to supporting victims of sexual violence in the UK" by Robinson A & Hudson K published in *Criminology & Criminal Justice*, Nov 2011, 9,515-533

² *Sexual Abuse of Children with Disabilities: A National Snapshot*, by the VERA Project, published March 2013, p.33

the prevalence rate was 31% for disabled children over 9% for non-disabled children (maltreatment rather than sexual abuse in isolation).

Ms Davies writing for the CANDO³ project in the United States, found in her research that one study found a quarter of all females with “mental retardation” referred for birth control had a history of sexual victimisation; she states the reasons are the risk factors which are higher in vulnerable groups. These factors include an inability to communicate effectively (if at all), a limited ability to self-protect and a general social powerlessness. Davies also highlights research by Kempton and Gochros (1986) where those with ‘mental retardation’ were more likely to be demonstrative and affectionate and offenders may interpret such affection as vulnerability resulting in abuse. Additional risk factors (termed secondary) are listed as family isolation and stress, separation from home and “*a system that has strong roots in a tradition of rewarding compliant attitudes*” among those with disabilities. Davies also refers to research indicating a third set of risk factors: these being that many disabled individuals’ living arrangements may impact upon the likelihood of abuse; sexual abuse was common in almost 50% of private homes and 16% residential homes.⁴

Martina Higgins’ book cites prevalence rates for disabled victims as variable: from being three times as likely to be abused to rates of 31% depending on which research is relied upon and the methodology used.⁵ Similarly, Andrea Hollomotz notes the problems which are associated with determining prevalence again as a result of varying definitions and methodology; she refers to McCarthy’s research whereby 61% of women and 25% of men with learning disabilities who had been referred for sex education “*had experienced sexual violence*”.⁶ An article in *Advances of Psychiatric Treatment* (2002) found whilst sex abuse against children with learning disabilities is acknowledged more widely, limited research in the area remains and (according to Ellis & Hendry in 1998), it is not with any great level of certainty and confidence that researchers can confirm the extent of sexual abuse of those children with disabilities. The article goes on that whilst American studies indicate that the prevalence of sexual abuse among children with learning disabilities is around one in three or one in four, the UK comparison is around one in ten. Further, it suggests paedophiles target vulnerable groups such as children with learning disabilities (either through paid or voluntary work) as such groups are less likely to disclose or be believed if they do. Further, convictions are difficult because of perceived inability and/or unreliability of the victims due again to their learning difficulties.

According to Mencap (2001) the prevalence of disabled adults sexually abused was around four times the general population; the 1995 study found at least 1,400 adult victims. BBC’s Victoria Derbyshire programme highlighted almost five thousand reports of sexual abuse in England. Of these 4,748 reports, 63% were against adults with learning disabilities with 37% had a physical disability.⁷ In an article published in the *British Medical Journal*, the numbers of victims are still “*scanty and imprecise*”⁸ with consultants in Britain estimating the prevalence of abuse among patients with a disability to be around 4% to 5% and of these cases, sexual abuse is most common. Furthermore, a great number of patients under the care of London’s Tavistock Institute’s Learning Disabilities Team had a current or past history of sexual abuse.

A report by Save the Children (2003) noted almost thirteen hundred children were examined for child sexual abuse found:

³ See www.disabilityandabuse.net/cando a part-federally funded organisation for the reduction of risk of abuse for disabled people.

⁴ The research was conducted by L Davies (undated) but published on the www.disabilityandabuse.org website.

⁵ Disability & Child Sexual Abuse: Lessons From Survivors’ Narratives for Protection, Prevention and Treatment. Published by JK Publishing 2009; p.61

⁶ Learning Difficulties & Sexual Vulnerability A Social Approach. Published by JK Publishing 2011; p.34

⁷ <http://www.bbc.co.uk/news/uk-32693998>

⁸ “*Sexual Abuse and Learning Disabilities*” by McCormack, B. Published in 1991, *BMJ* Vol. 303, p.143

Disability	Girls	Boys	Total
Severe	17	5	22
Mild	80	45	125
None	911	235	1146
Total	1008	285	1293

A report by the NPSCC noted that disability was a common feature for children who had been abused as a result of belief systems such as voodoo and witchcraft. They also note the introduction of new legislation (Children & Families Act 2014) hoped to bring greater protection and provision for children with learning disabilities and those with special educational needs. The report also highlights the need for stakeholders to share and build on “existing knowledge and good practice....ensuring equal protection for disabled children”.⁹ Further, they refer to research by Lisa Jones (et al) in 2012 which found the prevalence of violence against children with disabilities was 26.7%; physical violence 20.4% and sexual violence at 13.7%.¹⁰

The Dept. of Education undertook research of serious case reviews in England and Wales (SCRs); figures from 2007-2009 and 2009-2011 analysis of SCR indicates 8% and 12% respectively for children with a disability subject to a SCR (both reports are available from the Coordinator). The figures are below:

Table 3.7: Disability (prior to incident)

	Frequency 2005-07 (n=187)	Frequency 2003-05 (n= 161)	Frequency 2007-09 (n=268)
No	173 (93%)	153 (95%)	247 (92%)
Yes	14 (8%)	8 (5%)	21 (8%)

2007-2009

Table 3.7: Disability (prior to incident)

	Frequency 2003-05 (n=161)	Frequency 2005-07 (n= 187)	Frequency 2007-09 (n=280)	Frequency 2009-11 (n=178)
No	153 (95%)	173 (93%)	256 (91%)	157 (88%)
Yes	8 (5%)	14 (7%)	24 (9%)	21 (12%)

2009-2011

A report by the Dept. of Health relating to adults with learning disabilities found the most common type of abuse was physical (38%) with sexual abuse noted at 11% although in 19% of cases there were multiple types of abuse. This report also found a staff member of social care tended to be the most common perpetrator (24%) and family members but not partners were noted in 15% of cases.¹¹ Finally, a report published by Kent University¹² for the Dept. of Health found of eighteen study participants, fifteen suffered sexual abuse, nine suffered physical abuse (i.e. being kicked or burned) and in thirteen cases, it was believed there was more than one offender. In sixteen cases, a member of staff was the alleged perpetrator. The consequences in these cases resulted in STDs, pregnancy and abortion and attendance at A&E. Of eighteen cases examined, eight of alleged offenders were convicted although only two victims gave evidence in court. Additionally, sixteen of the victims moved to another area after the abuse (of nine who had been in residential care, eight moved to a new setting).

Current Practice

Plymouth Safeguarding Board¹³ undertakes multi-agency training around safeguarding and child protection from various agencies and provides participants with “the information and context....to be alert to signals that a disabled child” could be a victim of abuse (the booklet is available via the Coordinator) and is designed to provide:

⁹ “Protecting Disabled Children from Abuse” NSPCC, October 2014), p.9.

¹⁰ Ibid, p.12.

¹¹ Dept. of Health: “People with Learning Disabilities in England” 2011, p.97

¹² “Symptoms of Abuse in Adults with Severe Learning Disabilities: Final Report to the Dept. of Health” by Calaghan & Murphy (2006), p.16. The report is available via the Coordinator.

¹³ See their website: <http://www.plymouth.gov.uk/safeguardingchildrenwithdisabilities> which has related materials

*“...detailed instruction to understand the reality of the vulnerability of disabled children to abuse; recognise and respond to concerns about disabled children; ensure that the needs of disabled children are addressed...understand legislative changes and how they impact upon services to disabled children...have working knowledge of policies and procedures, including what to do if a disabled child is a victim of abuse; know what to do if a disabled child discloses... and recognise the impact upon workers”*¹⁴

The Dept. of Health issued safeguarding guidelines for adults and children and there is a significant documentation for professionals around safeguarding. Significant changes occurred following the highly publicised case of David Jenkins (2000) and exposure of the abuse of those in care homes (2011) the former is believed to have been a precursor to the New Sexual Offences Act 2003 (ss.30 & 38); the latter resulted in a serious case review following which recommendations improved safeguarding policies. For those with learning difficulties who were sexually assaulted in London, they are able to access a fully subsidised independent sexual violence advisor (ISVA) funded by the Home Office, provided via Respond UK. The service also offers professionals training on a variety of issues including sexual offences investigator development days and learning disability awareness training to both medical professionals and other ISVAs.¹⁵

The British Institute for Learning Disabilities (BILD) had a series of events around safeguarding and protecting those with learning disabilities and autism (2012-2013); the event was to allow attendees to *“develop an awareness of the types of abuse, the ability to identify signs of abuse, and have a clear understanding of their roles and responsibilities in responding to suspected or alleged abuse”*.¹⁶ Such events ought to be attended by police and others involved in safeguarding adults and children such as those on safeguarding boards. The College of Policing’s Authorised Professional Practice on those with mental health or learning disabilities was published in 2010; police staff and officers are expected to have the ability to recognise signs of disabilities and recognition should be applicable at all stages of interaction. Additionally, the APP states there are other issues to be aware of such as the fact that disabled people tend to have difficulty in approaching police are reluctant to disclose information and that their impairment may not be easily identifiable. In 2012, the College of Policing’s APP on safeguarding and investigating the abuse of vulnerable adults and its introduction states:

*“...(ACPO) is committed to improving the service...in respect of safeguarding vulnerable adults from abuse. Recent reviews of several critical incidents have demonstrated the need for positive action to ensure that vulnerable adults who are at risk of abuse, or who have been abused, receive protection and support. A common theme is that greater information sharing and improved partnership working may have placed organisations, including the Police Service, in a better position to safeguard the adults concerned...Responsibility for the coordination of a safeguarding response lies with adult social care, but a duty of care...rests with all public services...A fundamental role of the Police Service in safeguarding vulnerable adults is the prevention, identification, investigation, risk management and detection of criminal offences. The guidance will provide an opportunity for the police to continue to engage in useful dialogue with a number of other agencies which perform a vital role in safeguarding vulnerable adults from abuse.”*¹⁷

The National Autistic Society (UK) has produced a guide for criminal justice professionals (2011) which also discusses how to recognise signs of autism in those encountered plus it provides details of how those with autism and learning difficulties interact with the criminal justice system and cites examples of experiences. Such guidance/information should be incorporated into police and other professionals’ training to generate more understanding of how learning difficulties and other

¹⁴ Sexual Abuse and Learning Disabilities: Published in the BMJ, Vol. 303, 20 July 1991.

¹⁵ See website: <http://www.respond.org.uk/what-we-do/isva/>

¹⁶ <http://www.bild.org.uk/our-services/events/the-bild-training-events/good-support-events/safeguarding-and-protection-of-people-with-learning-disabilities-and-autism/>

¹⁷ Guidance on Safeguarding and Investigating the Abuse of Vulnerable Adults (2012) First Edition published by NPIA, p.6

disabilities can impact upon a person's perception of, and involvement in, the criminal justice system.

Conclusion

All research indicates those with disabilities, whether physical, intellectual or mental are between twice and four times more likely to become victims of sexual abuse or assault than those without. Research also indicates more work is required to determine the level of risk and victimisation within these groups which is difficult given the circumstances and reliability of subjects and interpretation of the questions posed. Analysis of sexual abuse of those with learning or physical disabilities has been undertaken from the 1980s and all the researchers indicate greater work is required; in essence, all figures are estimated. When adults and children who have significant learning disabilities exhibit sexualised behaviour this is often dismissed as a misunderstanding or misinterpretation of what is termed appropriate behaviour rather than indicative of possible abuse.

Prevalence in the southwest of England is difficult to determine as there is no specific research in this field for individual counties and in some cases the research is based on literature reviews rather than qualitative studies. Ofsted's thematic inspection on protecting disabled children highlights a lack of original research on the prevalence of disabled child abuse outside the United States. Until specific and dedicated research is undertaken with a remit to determine such rates, the prevalence will remain largely either estimated or unknown. Finally, disability itself is a term open to interpretation and research is subject to terms of reference which can and does impact upon the results of any data.