

Supplemental Evidence to the Joint Committee on Human Rights Inquiry into the Human Rights of Adults with Learning Disabilities

Crime and Abuse against Adults with Learning Disabilities

1) Why Adults with Learning Disabilities are more likely to be Victims of Crime

1.1) Although there are multiple and complex reasons why any crimes occur, there are some broad, overarching reasons for the higher risk of an adult with learning disabilities becoming a victim of crime.

1.2) Vulnerability

1.2.1) Adults with learning disabilities are vulnerable to crime. They are generally less likely to resist, easier to manipulate, less likely to report a crime and less likely to be believed if they do report a crime than the general population. People take advantage of this vulnerability as they are aware that a crime against an adult with learning disabilities is likely to be easier to execute and to get away with than if they targeted someone else.

1.2.2) Our original written evidence included several cases where carers had taken advantage of the vulnerability they perceived in their clients. In particular, the case of Peter John Clarke, who raped a woman with severe learning disabilities (paragraph 6.2.1), and the cases of theft by carers who had been entrusted to manage their clients' financial affairs (section 6.5).

1.3) Bigotry and prejudice

1.3.1) Adults with learning disabilities are also targeted for crime because of their learning disabilities. This disability hate crime was described in our original written evidence (section 3).

1.3.2) The bigotry manifested in disability hate crimes against adults with learning disabilities is simply the extreme manifestation of a wide spread prejudice in our society against people with learning disabilities. An intrinsic part of this prejudice is a feeling that people with learning disabilities are worth less than those without learning disabilities and so are deserving of less respect for their rights. It is this prejudice which makes it easier for a person to commit a crime against an adult with learning disabilities, even if that person is in their care.

1.4) Social Marginalisation

A contributing factor is that adults with learning disabilities tend to have low incomes, rely on benefits and live in marginal areas. We suspect this places adults with learning disabilities in a situation where they are more likely to be targeted for crime.

2) Adult Protection Investigations

2.1) In our original written evidence we highlighted how crimes committed against adults with learning disabilities living in care were not always investigated by the police, or else police involvement came

after an internal investigation by the care provider or commissioner. We stated that this inevitably had consequences for the conduct of investigations and the chance of securing convictions.

2.2) Adult Protection Committee Figures

Local Adult Protection Committees produce statistics on the adult protection referrals they have received from various organisations and individuals. Unfortunately, these statistics are collected in different ways, making comparison difficult. Last year Action on Elder Abuse made recommendations on how information collection could be standardised¹. Since then, Cornwall Adult Protection Committee has revised its data monitoring and collection processes to meet Action on Elder Abuse's recommendations. These figures support our concerns about police involvement in adult protection investigations and are of particular importance considering last year's CSCI and Healthcare Commission report into Cornwall Partnership NHS Trust. Unfortunately, these figures relate to vulnerable adults as a whole rather than just to adults with learning disabilities.

2.3) Cornwall Adult Protection Committee Figures

2.3.1) Between 1 September 2006 and 30 April 2007, there were 255 new adult protection referrals to Cornwall Adult Protection Committee. After investigations and in the period October 2006 to March 2007, 62% of these allegations were found to have been either substantiated or partly substantiated. Yet, only 1% of these adult protection referrals resulted in a criminal prosecution and 3% in police action. The police were involved in only 9% of investigations in this period. While we accept that some of the allegations that were substantiated or partly substantiated will be about abuse rather than crimes, we believe that this factor can not account for why police were involved in so few investigations.

2.3.2) We are concerned that the low number of non-criminal sanctions for perpetrators raises serious questions over whether people are (i) being held to account (ii) being prevented from working again with vulnerable adults and (iii) being deterred from engaging in crime or abuse against vulnerable adults. The figures from Cornwall show only 1% of perpetrators were referred to a registration body, 6% disciplined and 3% referred to the Protection of Vulnerable Adults (POVA) list².

2.4) Figures from Other Adult Protection Committees

2.4.1) Similar data on police involvement and outcomes is rarely published by Adult Protection Committees and is unlikely to comply with the Action on Elder Abuse's recommendations. However, we have included other figures to allow the Joint Committee some form of rough comparison. These figures suggest that the extent of police involvement in a case varies between areas, but that the Cornwall experience is not unique.

2.4.2) Between 1 October 2002 and 31 March 2005, Shropshire Adult Protection Committee received 398 adult protection referrals. Of these, 6 (1.5%) resulted in a successful prosecution or the issuing of a formal caution³.

2.4.3) North East Lincolnshire Adult Protection records that in 2003-2004 the police were involved in 73% of adult protection investigations⁴.

2.4.4) The Nottinghamshire Committee for the Protection of Vulnerable Adults received 778 adult protection referrals between April 2005 and March 2006. The Committee received forms on the outcome of 492 cases. Of these known outcomes, there were 100 cases which were proven. Of the 492 cases for which outcomes were known, criminal proceedings were undertaken in 19 cases and 9 members of staff were referred to the POVA list⁵.

3) Forced Marriage (Civil Protection) Bill

3.1) Since we submitted our original written evidence the Forced Marriage (Civil Protection) Bill [HL] has passed through its Committee and Third Reading Stages in the House of Commons. In response to Jo Swinson MP raising the issue of special measures assistance, MPs related how their constituents with learning disabilities had been forced into marriage. Dominic Grieve MP stated:

Supplemental evidence from VOICE UK, Respond and the Ann Craft Trust

“There is a school in my constituency for children with learning disabilities. I am afraid that there is a consistent pattern of girls being removed at the age of 16 to be sent to the Indian subcontinent – if that is where they originate from – to be married, even though many of them probably have little understanding of what it is they are going to do.”⁶

Ann Cryer MP:

“Over the years, I have been involved in some very upsetting interviews with families putting pressure on me to allow their son or daughter to bring in a spouse from the subcontinent. They said that they wanted the spouse to take care of their son or daughter. I can understand their problems, but to meet the young boy or girl who clearly did not know what was going on was upsetting, so I should welcome anything that can help young people in such situations.”⁷

3.2) We welcome that the Government reaffirmed during the Bill’s Committee Stage that intermediaries and other special measures may be used in forced marriage protection order cases and that it is important to encourage the courts to use these measures⁸. However, our organisations are disappointed that the Government did not accept the need for an explicit entitlement to special measures provision on the face of the Bill. Instead, Bridget Prentice MP, Parliamentary Under-Secretary of State for Justice, stated that:

“An early task for us is to discuss with the president of the family division the possibility of his issuing a practice direction to promote the effective handling of such cases in courts that have jurisdiction over such cases. A key element of such a practice direction is to set out what special measures are available to assist vulnerable witnesses in giving evidence.”⁹

3.3) While this does not go as far as we would like, we hope that the Joint Committee will join us in welcoming this commitment to issue a practice direction. We also hope the Joint Committee will recommend that this practice direction be complimented with training for family division judges on how adults with learning disabilities need assistance to give their best evidence and how special measures can assist them in doing this.

3.4) The debate on this Bill has begun to improve the very low profile of the issue of the forced marriage of adults with learning disabilities. We hope that the Joint Committee will help us ensure that this issue does not disappear from view again by addressing the issue of adults with learning disabilities forced into marriage in its report.

4) Special Measures for Vulnerable Defendants

4.1) Our attention has recently been drawn to a recommendation from the Government’s Review of Child Evidence:

*“Recommendation 12
Child defendants should qualify for assistance via a menu of special procedures ensuring that they understand the function and process of the trial and the potential outcome for them.”¹⁰*

4.2) We are obviously aware that the issue of special measures for children with learning disabilities appearing as defendants is outside the remit of the Joint Committee’s current inquiry. However, we are bringing this to the Joint Committee’s attention as we believe it is another indication of the growing recognition of the need for parity between witnesses/victims and suspects/defendants with learning disabilities in the provision of special measures.

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¹ Action on Elder Abuse, *Adult Protection Data Collection and Reporting Requirements; Conclusions and Recommendations from a Two-Year Study into Adult Protection Recording Systems in England, funded by the Department of Health*, 2006.

² Cornwall Adult Protection Committee, *Annual Report April 2006 – March 2007*, pg. 30 – 34.

³ Shropshire Adult Protection Committee, *Adult Protection Annual Report, 2004/2005*, pg. 11.

⁴ North East Lincolnshire Adult Protection, *Annual Report 2003-2004*, pg. 15.

⁵ Nottinghamshire Committee for the Protection of Vulnerable Adults, *Annual Report 2005-2006*, pg. 4 – 8.

⁶ Hansard, column 1393, 10 July 2007.

⁷ Public Bill Committee on the Forced Marriage (Civil Protection) Bill [HL], Hansard, 17 July 2007.

⁸ Ibid.

⁹ Hansard, column 643, 23 July 2007.

¹⁰ Office for Criminal Justice Reform, *Improving the Criminal Trial Process for Young Witnesses; A Consultation Paper*, Criminal Justice System, June 2007, pg. 46.