

Sarah Taite

WESTGATE CHAMBERS





Vulnerable parents within the care system (Neurodiversity)

Neurodiversity - What is it?

- This is an umbrella term used to describe a number of variations in the different ways a person's brain processes information
- It is estimated around 1 in 7 people have some kind of neuro difference
- Common types of neurodiversity
 - o Autism or Autism Spectrum Condition
 - Attention Deficit Hyperactivity Disorder (ADHD) or Attention Deficit
 Disorder (ADD)
 - o Dyscalculia
 - o Dyslexia
 - Dyspraxia or Developmental Coordination Disorder (DCD)
- Neurotypicality is used to describe people whose brain functions or ways of processing information or behaviours are seen as 'standard'





Neurodiverse parents within the care system

- Neuro diversity does not prima facie mean a parent has an intellectual impairment
 - They can display good literacy skills and a thorough understanding of language
 - But of course there may very well be a cross over between a person who is neurodiverse who also has a cognitive impairment and also trauma based reactions

Research tells us that autistic children and adults are more likely to experience trauma for a range of complex reasons.

Diagnostic criteria for Autism

- Persistent deficits in social communication and social interaction across multiple contexts
- 2. Restricted, repetitive patterns of behaviour, interest or activities currently, or by history
- Symptoms must be present in the earl developmental period (but may not become fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life)





- 4. Symptoms cause significant impairment in social, occupational or other important areas of current functioning
- 5. These disturbances are not better explained by intellectual disability (intellectual developmental disorder) or global developmental delay. Intellectual disability and autism spectrum disorder frequently co-occur: to make a comorbid diagnosis, social communication should be below that expected for general developmental level.

What this means without support being in place?

- Deficits in social communication cause noticeable impairments
- Inflexibility of behaviour causes interferences with functioning in one or more contexts
- Problems of organisation and planning can hamper independence
 - Very important to consider these three issues at the earliest opportunity
 but can be nuanced and difficult to identify





Autism is accepted as a disability under the Equality Act 2010

- This means that parents with this diagnosis are entitled/eligible to request consideration of reasonable adjustment in education and the workplace
- But of course this also means that as practitioners we have to take real care to
 make sure our clients are able to fully participate to the best of their abilities with
 the care system and court process.
- Article Rights of 6 and 8 are engaged to right to a fair hearing and rights to family life must of course be at the forefront of our minds from the earliest stages.
- Anyone who requests as assessment under the Care Act 2014 is entitled by law for one to be carried out by their local authority

Autism Act 2009

- designed to ensure the unique individual support needs of autistic people and their families are considered
- every autistic adult has the right to a needs assessment which must take into account their autism, carried out by a trained individual with the skills, competency and knowledge to determine the support required

What is the importance of assessment with proceedings and the potential impact of a diagnosis?

 Having a diagnosis will undoubtably help a parent and professionals to make sense of their difficulties whilst offering context and understanding





- around why they may find communication and relationships with others so difficult
- It may help to explain their struggles with change and rules that are often imposed upon parents within e.g. placements
 - Think how often a parent really struggles at these times and how much this could be assisted within placement if the foster carer/professionals are aware of the behaviours and reactions and can make reasonable adjustments to their communication or environment to assist the parent

Daily living experiences/presentations of someone with a parent with autism

- Low self-esteem, lack of confidence, becoming frustrated by one's difficulties and anxiety are often manifestations for our clients that they find it difficult to manage
- Autistic people may be at risk of increased mental health difficulties and can experience persistent rejection, judgement and marginalisation over time, in their attempts at social communication.
 - This can lead to Rejection Sensitivity Dysphoria meaning that a parent has come to anticipate rejection and criticism.
 - ASC parents can experience cognitive and physical symptoms of anxiety if they have to attend a medical or hospital appointment.





- Putting this into the context of parents within care proceedings... the potential criticisms of not looking at foster carers in the eye, not engaging with their wider families or;
- A parent when they attend a CPM or A&E when thinking about NAI cases.... the things they say/don't say or do or don't do, are noted and then repeated within the proceedings, often being used against them. I wonder how many Child protection medicals consider whether a parent is neurodiverse.....
 - People on the autistic spectrum are often thought to be unable to empathise, however it may be more accurate to say they simply empathise differently to neurotypical peers.
 - Autism may mean people lack the ability to predict others intentions but do have an ability to share others' feelings and have a desire to help others
 - ASC may struggle with long complex conversations and can often get signals or non-verbal communication cues wrong. They may be very 'concrete' in their thinking and struggle with humour or sarcasm.
- There may be a struggle with feeling overloaded and becoming dysregulated due to sensory overload
- often experience persistently heightened anxiety as a result of difficulties in sensory experiences and social understanding
 - o this means they are near the point of 'fight or flight' much of the time



W E S T G A T E

- the counter to this is known as 'rest and digest' cycle which is much less widely recognised or known in society and can be easily overlooked and is a really important part of maintaining our physical and psychological wellbeing
- thinking on the ground how this must feel for a parent for example who
 has to go into a parent only foster placement/residential placement away
 from their family and/or partner and how our clients often react!!
- A neurodiverse may present with an enduring preference to structure across multiple domains in their life
 - These traits can often be camouflaged as people grow up and try and adapt their behaviours
 - Thinking about the importance of trying to assist a parent to establish a regular routine so they eat and drink regularly as they may often not have the instinctive ability to understand that they are hungry or thirsty... their routines may have assisted with this and then taking the routines away may have a detrimental affect on them
 - But also the impact on them when they become parents. Juggling the
 need for their routines whilst navigating a new one. They may find it highly
 challenging to carry out more than one activity or task at a time and this
 may lead to difficulties in caring for their children or criticisms from the
 professionals or foster carers.
- Some people with autism are affected by certain types of medication in an unexpected way





How often do we have parents who say they have been affected by their medication and this is dismissed by the professionals?

Sensitivities

- to the environment such as light, noise and temperature is very important
- We are gradually recognising the importance of participation within hearings and consider things such as screens and separate waiting areas and regular breaks
- to medical interventions such as injections
 - Putting this into the concept of care proceedings and the regularity of HST and Peth testing. Both are highly intrusive procedures for a person with autism. But how many times do we have parents very reluctant to want to engage and the default position of the court or opposing parties is to assume this is because they have something to hide?
 - Adverse inferences are commonly sought but I wonder whether we need to take stock, take a breath and really consider the impact of such procedures to neuro diverse clients and think about solutions for them?
- to textures
 - Might be strongly drawn to soft fluffy things and might have an aversion to rough feeling objects



W E S T G A T E CHAMBERS

Noises

- Autistic people can be highly sensitive to intrusive noise
- A loud sound can trigger an acute rush of anxiety coupled by a reduction in executive functioning
- Can become hyper-fixated on repetitive noises such as a ticking clock leading to a distraction

Environment

 Will a client feel overwhelmed entering a busy court building by themselves or would they prefer for counsel to meet them eg in Chambers or in a specific location

• Stimming

- seeking to regulate the subconscious experience of anxiety by selfstimulatory movements
- These may take the form of for example, chewing nails, rocking gently in a sedentary position, scratching the skin or persistently shaking a leg
- It is now very common for children or adults with neurodiversity to now use fidget toys
- Autistic people often have what is described as the 'autistic gift' of a wide range
 of passions that serve to regulate emotions and decompress after exposure to
 challenging events from everyday life





What can be done to sign post or help our clients?

Research shows that people with autism learn more about this from those with a similar diagnosis –

Are there any peer support groups in our area?

www.autism-alliance.org.uk is a collaboration between 16 UK autism charities that collectively strive to support, raise awareness and increase understanding of Autism Spectrum Conditions

Care Point Team for Adult Social Care (Social Services)

Mental Health Help line

www.autism.org.uk/about/adult-life/work.aspx

www.tuc.org.uk/sites/default/files/autism.pdf

www.bristolautismsupport.com/reasonable-adjustments-at-work-for-autistic-adults

And for carers <u>www.carerssupport.org.uk/autistic-adults</u>

Care Act assessment





Hospital Passport

which can be downloaded from the national autistic website. This gives a written
description of a person's preferences, aversions and needs and can be
produced when attending hospital or medical appointments.
 [NB this may be an invaluable tool for a parent who is entering a placement etc]

Advocate