



Learning sponsor



Supporting adults with learning disabilities with intimate relationships

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Supporting adults with learning disabilities to have intimate relationships

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Are Relationships Important?





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What is Supported Loving?



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What Does Supported Loving Want to Change?

- We are a human rights-based campaign that wants people who use social care to enjoy the same sexual and romantic freedoms as everyone else. We want change to happen by
- Requiring sexuality and relationships to a focus in CQC inspections in the Key Lines of Enquiry (KLOE)
- Ensuring sexuality and relationships training is provided to all social care staff
- Making people who use social care are aware of their sexual and relationships rights



Higher proportion of relationship that are non-sexual in nature than general population

- Many people with learning disabilities, particularly women, have had abusive or unpleasant sexual experiences (Peckham, 2007)
- Internalised view from those with power over their lives (family, staff etc.) who taught them sex is wrong/ dirty (Fitzgerald and Withers, 2013)
- People may lack the privacy to have sex (Bates et al, 2016)
 - A lack of sex education, may not understand how to physically have sex.
 - They may have been assessed as lacking the mental capacity to have a sexual relationship, but this does not mean they cannot enjoy other parts of a physical relationship such as kissing



- It can prove problematic and time-consuming to change to facilitate a new living situation. It is also harder for people with learning disabilities to move in with a partner, especially if their support is tied to their accommodation or they live at home and their family provides unpaid support. This means many couples will live separately throughout their relationship.
- The situation can be prolonged over months or years so that living with a partner can be discussed in a review for years before action is taken.
- This can be due to the complexity of the person moving and fears of what happens if living together doesn't work out

Social workers need to be sensitive and act proactively when couples wish to live together.



- Most people in a relationship see their partner on a regular basis and they can choose how often this happens.
- However, many adults with learning disabilities rely on family or staff support to socialise and travel which means their choice about who they see and when can be restricted by
 - Commissioned hours
 - Availability of support
 - Perceived importance of the relationship by others.

Consequently, they may see a partner far less frequently than expected



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**Higher rates of sexual abuse, sexual
violation & gender-based violence**



- Women with learning disabilities experience Higher rates of sexual abuse, sexual violation & gender-based violence (McCarthy et al, 2017).
- The majority of the focus on their sexuality in social work centres
 - safeguarding
 - sexual abuse
 - sexual and gender-based violence
 - unwanted pregnancies
 - issues relating to sexual activity/intimate relationships.

What is less acknowledged is how people with learning disabilities are made increasingly vulnerable to these issues because of a lack of accessible information and education surrounding relationships and sexual education.



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SEX AND THE LAW QUIZ- How much do you know?





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**The law and sex and relationships
for adults with learning disabilities**



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The Care Act 2014 requires local authorities to promote an individual's "well-being" defined in relation to several factors including

- Domestic family and personal relationships
 - Physical and mental health
 - Emotional well-being
- Outcomes specified in the Care and Support (Eligibility Criteria) Regulations 2015 include the developing/ maintaining family & personal relationships.
- People should be asked about relationships as part of an assessment or review looking at their care and support needs but this isn't happening often

Individuals may need support to find a romantic partner or develop a friendship circle (which could develop into a relationship –as many people's do) and they may not know where to start.



- Start the conversation about friendships. Helps to understand who is important to them & can be a step to talking about intimate relationships
- Asking whether they have ever had any relationships and sex education (RSE) and if they know what that is. Many people with a learning disability have had no form of RSE and may need to have it explained to them.
- This then leads into asking about more intimate relationships, for example, can you tell me about your relationships? What kind of relationships have you had in the past?
- You can move to discussing the type of relationships they would like to have, you could explore friendship and dating agencies.

More detail included in the guide....



- Human rights are the basic rights and freedoms guaranteed to **everyone** in the UK. The most relevant human rights law in the UK is the European Convention on Human Rights. (ECHR).
- Article 8 protects sexual autonomy, confidentiality, dignity, forming and maintaining personal relationships and allowing them to develop normally
- Article 9, 10 and 11 expression-rights the right to information, education and possibly support
- Everyone has the right to lead their lives and develop relationships without government interference. An adult with learning disabilities may need help to enjoy a private life, for example, get accessible information about sex.

However, it will sometimes be necessary to balance the principles of autonomy and protection



THE RIGHT	WHAT IT PROTECTS	WHO AND HOW IT HELPS
Article 8	Privacy-related rights, including the right to consensual sexual expression in private.	Anyone supporting, the development of personal and intimate relationships.
Article 10	Freedom of expression and the right to receive information	The right to receive information and ideas in order to make decisions, including information and accessible sex education and training.
Article 12	The right to marry and to start a family.	Situations in which both partners express a wish to engage in a marriage or civil partnership and/or have children
UN Convention on the Rights of Persons with Disabilities	Based on the principle that people with disabilities should be allowed to enjoy the same rights as others and make own decisions	Could be used to challenge various aspects of English Law which treat disabled people differently and any court decision or safeguarding approach which prevents a disabled person from making decisions about their own life, including sex and relationships



- **Speak to the person with a learning disability-** It is best to have an open dialogue with the individual to establish any potential risk and talking about the situation will help identify where they are “at”
- **Reduce fear of blame & promote human rights-** Sometimes staff are concerned that they will get in trouble if something goes wrong. By open discussion, you can help ensure that they are providing, or assisting the person to access appropriate support. Staff may need reminding that HRA protects a person’s right to have relationships, including a sexual one
- **Recognising real risks-** Relationships/sexual activity can be only be restricted in limited circumstances, such as if an individual has been assessed to lack the capacity to make decisions regarding having sex. If there is a dispute over a person’s capacity with respect to sexual relations the matter may need to be referred to the Court of Protection



- The basis of safeguarding, and almost all legislation in the UK relating to sex, is consent. There is a delicate balance between protecting people from sexual harm and taking:
 - acceptable risks (as opposed to NO risks)
 - at the right time
 - in the right place
 - in the right capacity
- Provided that all of those involved in the sexual activity give their consent, the law generally permits freedom of sexual practice in a private place adults who can give their consent

(Health & Social Care Research Sexuality Alliance)



- **Assumption of capacity-** *Everyone should be assumed to be able to have relationships and sex, but it is **always necessary** to investigate if you suspect they do not*
- **People must be given support and opportunity to make decisions-** *They should be provided with sex education that they understand to be able to an informed decision-they **can not be deemed to lack capacity without this***
- **Each decision will be assessed separately-** *A separate and proportionate capacity assessment should be undertaken for sexual relationships and if necessary, for linked aspects, such as contraception*
- **Individuals have a right to make unwise decisions-** *Making what some might see as poor choices about sex and relationships does not mean that the person is unable to make their own decisions*
- **Anything done on behalf of someone must be in their best interest and least restrictive of their basic rights-** *Where a person lacks capacity, decisions can be made in their best interests by the COP, but all options should be considered*



- The mechanics of the sexual act and its character
- The reasonable foreseeable consequences of sexual intercourse –namely pregnancy
- That there are health risks involved in sexual relations (basic knowledge of STI/ sex can potentially make you unwell)
- That you have the right to say no and can communicate this
- That the risks of STI' can be reduced by taking precautions such as condoms
- The other person must have the capacity to consent to the sexual activity and must consent before & throughout the sexual activity

- *D Borough Council vAB (2011) EWHC 101 (COP) London Borough of Southwark v KA & Ors (2016) EWCOP 20*
 - *B v a Local Authority [2019] EWCA Civ913*
 - *A Local Authority v JB (Rev 1) [2020] EWCA Civ735 on BAILII*



- Parents may be hesitant to support relationships due to concerns that their adult child will be abused, either sexually, physically, emotionally or financially in any intimate relationship. Parents of women with learning disabilities are more risk adverse. However, women with learning disabilities are more like to be abused by a partner (McCarthy et al, 2017) as well as concerns around contraception and pregnancy.
- Denying access to sex education and relationships does not protect people, in fact, make them more vulnerable, as they then lack the skills to recognise inappropriate behaviours and defend themselves from abuse (Grove et al, 2018; Healy et al, 2009; Murphy and O'Callaghan, 2004).

Social workers can be well-placed to explain this to parents and support the change to an alternative mindset.



- It is important to remember where their reluctance is coming from which is usually from a place of love. They are fearful that their adult child will be hurt, and this fear needs to be acknowledged and understood and really listened to
- Encourage them to look at the value that relationships have in their lives and highlight the fact that many people with a learning disability feel the same.
- Encourage them to talk through their fears and see what can be done to help alleviate them. They may worry about their child being able to properly consent and say no to things they do not want to do. A way to address this is by reassuring them that they will have support and education to be make a informed decisions around sex and relationships
- Family members may also benefit from access to training and information. This may be available through carers' organisations or specialist training agencies



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Sexuality and Relationships- My Rights Charter

TIZARD
University of Kent

 **NDTi**
National Development Team for Inclusion

MyLife
MyChoice


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Sexuality and Relationships- My Rights Charter





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Questions?

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CommunityCare
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Hampshire
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