



## DEBATE PACK

Number CDP-2017-0179, 16 October 2017

# Supporting and safeguarding adults with learning disabilities

## Summary

There will be a debate in Westminster Hall on Tuesday 17 October at 2:30pm. The Member in charge of this debate is Catherine McKinnell MP.

This briefing provides a summary of current policy for adults with learning disabilities, safeguarding guidance, NHS programmes, parliamentary coverage and recent reports.

Further information is available in the House of Commons Library briefing on [Learning Disability – policies and issues \(April 2016\)](#). The briefing examines policies and services in the areas of:

- Health and social care
- Employment
- Welfare and benefits
- Education
- Criminal justice

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

Lizzie Parkin  
Alex Bate  
Alex Bellis

## Contents

<b>1. Background</b>	<b>2</b>
1.1 NHS Transforming Care	2
1.2 Safeguarding duties	3
<b>2. Press Articles</b>	<b>8</b>
2.1 Support with independent living	8
2.2 Safeguarding issues	9
<b>3. Parliamentary material</b>	<b>11</b>
3.1 Debates	11
3.2 Bills	11
3.3 Parliamentary Questions	11
General	11
Education, skills and employment	11
Health services and social care	15
Prisons	22
Benefits	23
Children and families	24
<b>4. Further reading</b>	<b>26</b>

# 1. Background

## 1.1 NHS Transforming Care

Central and local Government spend £8 billion per year on supporting adults aged 18–64 who have a learning disability.<sup>1</sup>

The Government and NHS England have committed to reducing health inequalities for people with learning disabilities and have established national programmes to improve treatment and outcomes.

The [Government's Mandate to the NHS 2017-18](#), and previous Mandates, set an objective for the NHS to reduce the health gap between people with mental health problems, learning disabilities and autism and the population as a whole, and support them to live full, healthy and independent lives.

NHS England's [Transforming Care](#) programme aims to improve services for people with learning disabilities and/or autism. The national plan, [Building the Right Support](#), developed jointly by NHS England, the Local Government Association and the Association of Directors of Adult Social Services, is the next stage in the Transforming Care programme, and includes [48 Transforming Care Partnerships](#) across England to re-design local services to meet individuals' needs. This is supported by a new [Service Model](#) for commissioners across health and social care that describes what good services should look like.

The Government and NHS England have also committed to reducing the number of people with a learning disability who are placed in inpatient services. The Transforming Care programme intends to improve the quality of life of those with learning disabilities by substantially reducing the number of people placed in hospital, reducing the length of time those admitted spend there, and enhancing the quality of both hospital and community settings. The Government's Mandate to the NHS 2017-18 set an objective for the NHS to reduce inpatient care for people with a learning disability and/or autism by 35-50% by March 2019.

NHS England have also commissioned a [Learning Disability Mortality Review](#) programme to help reduce premature mortality and health inequalities for people with learning disabilities in England, through local reviews of deaths. The programme is being rolled out nationally and has funding up to 2018.

In April 2017, the Public Accounts Committee produced a report on [local support for people with a learning disability](#). The Committee found that the Department of Health and the NHS have made progress on moving people with a learning disability out of mental health hospitals and into the community. However, the Committee said that more needs to be done to address known barriers, including moving money with the patient to pay for care in the community, and ensuring that people have care and treatment reviews. The Committee also raised concerns that

---

<sup>1</sup> House of Commons Committee of Public Accounts, [Local support for people with a learning disability](#), HC1038, 24 April 2017, page 4

support for people who live in the community is “patchy”, with on average fewer than 6% of people with a learning disability in employment, and only 23% registered as having a learning disability with their GP.

## 1.2 Safeguarding duties

Until 1 April 2015, when the *Care Act 2014* came into force, the code of practice for protecting vulnerable adults was outlined in [No Secrets](#). The responsibilities of public authorities and providers of health and social care under the *Care Act 2014* are now described in the [Care and Support Statutory Guidance](#) (referred to here as the ‘Guidance’).

### What is safeguarding?

The Guidance states that any safeguarding is necessary for any adult who:

- has needs for care and support (whether or not the local authority is meeting any of those needs)
- is experiencing, or at risk of, abuse or neglect
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.<sup>2</sup>

Safeguarding, an additional responsibility on top of an institution’s normal duties, is defined as:

protecting an adult’s right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult’s wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.<sup>3</sup>

According to the Guidance, an effective safeguarding environment should:

- facilitate multi-agency communication and be able to stop abuse where possible
- focus on preventing the likelihood of abuse occurring: this can be achieved via raising public awareness, providing information about potential safeguarding issues and addressing any underlying cause of abuse or neglect.<sup>4</sup> For the latter, the Guidance states that it is necessary to reduce the risk of social isolation through provide mainstream community resources.<sup>5</sup>
- have clear guidance for staff about their responsibilities and cultivate a positive working environment “to help break down

‘Wellbeing’ is a broadly defined concept in the Guidance, outlined in paragraph 1.5.

The Guidance underlines that the concept of wellbeing is about shifting providers’ focus from ‘providing services’ to ‘meeting the needs’ of individuals who retain as much control as possible.

<sup>2</sup> Department of Health, [Care and Support Statutory Guidance](#), updated August 2017, para 14.2

<sup>3</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.7-9

<sup>4</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.11

<sup>5</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.11

cultures that are risk-averse and seek to scapegoat or blame practitioners".<sup>6</sup>

The six principles underpinning the above are:

- empowerment (allowing individuals to make their own decisions)
- prevention
- proportionality (taking the least intrusive actions)
- protection ("Support and representation for those in greatest need")
- partnership (working with communities)
- accountability.<sup>7</sup>

## Reporting abuse across organisations

The Guidance has a wide range of definitions of abuse that trigger safeguarding responsibilities:

- physical
- domestic
- sexual
- psychological
- financial/material
- modern slavery
- discriminatory
- organisational
- neglect and self-neglect.<sup>8</sup>

If a member of staff becomes aware of any of the above this must be reported. All the institutions involved in someone's care must establish principles for sharing such information but

No professional should assume that someone else will pass on information which they think may be critical to the safety and wellbeing of the adult. If a professional has concerns about the adult's welfare and believes they are suffering or likely to suffer abuse or neglect, then they should share the information with the local authority and, or, the police if they believe or suspect that a crime has been committed.<sup>9</sup>

The Guidance states that it is important to identify whether the mistreatment affects more than one person and whether there is a pattern of harm that might indicate 'organisational abuse' that needs to be addressed.<sup>10</sup>

How mistreatment is reported will vary according to the "wider circumstances" that must be taken into account. The Guidance takes the example of unintentional neglect caused by a carer, who themselves may require a better support package, without recourse to criminal proceedings.<sup>11</sup>

---

<sup>6</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.12

<sup>7</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.13

<sup>8</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.17

<sup>9</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.43

<sup>10</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.18

<sup>11</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.39-40

## Safeguarding procedures

As outlined above, all staff dealing with vulnerable people must understand their responsibilities to report instances of mistreatment and have “access to practical and legal guidance, advice and support. This will include understanding local inter-agency policies and procedures.”<sup>12</sup>

All institutions who deal with vulnerable people must have safeguarding policies and procedures. This must include the legislative background and contact details for “legal advice and access to appropriate remedies”.<sup>13</sup> A Safeguarding Adult Board (see below) must monitor and report on these procedures, incorporating lessons from any “published research, peer reviews, case law and [...] recent cases and Safeguarding Adults Reviews.”<sup>14</sup>

## Local authority safeguarding responsibilities

Local authorities are responsible for agreeing a care and support package with all those who need them, including those with a learning disability. As a result, under the *Care Act 2014* local authorities must:

- make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect [...] An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect and if so, by who.
- set up a Safeguarding Adults Board (SAB) [...]
- arrange, where appropriate, for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review (SAR) where the adult has ‘substantial difficulty’ in being involved in the process and where there is no other suitable person to represent and support them [...]
- co-operate with each of its relevant partners [...] in order to protect the adult. In their turn each relevant partner must also co-operate with the local authority.<sup>15</sup>

The duty to carry out an enquiry is explained in paragraphs 14.76 to 14.82 and 14.92 to 14.132 of the Guidance.

A Safeguarding Adults Board (SAB) does not investigate individual cases, but has a strategic overview of all safeguarding in the local area. This includes gathering information from all relevant institutions, including all providers of health and social care. This is not limited to those directly employed by the local authority or those contracted to carry out services. In addition, it should publish an annual report, and conduct any safeguarding adults review.<sup>16</sup> A safeguarding adults review **must** be conducted if someone dies due to abuse or neglect, or if dangerous mistreatment has taken place. However a review can be taken on the

<sup>12</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.51

<sup>13</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.53

<sup>14</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.53

<sup>15</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.10

<sup>16</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.134-14.136

back of any case, should the Board wish it.<sup>17</sup> For more information on these reviews, see sections 14.162 to 14.179 of the Guidance.

Membership of SABs must include representatives of the local authority, the Clinical Commissioning Groups in the local authority's area and the chief officer of police in the local authority's area. Beyond this, SABs are welcome to include people from other local public services.<sup>18</sup>

## Multi-agency safeguarding

According to section 6(7) of the *Care Act 2014*, local authorities and all other "relevant partners" must work together to better safeguard vulnerable persons.

14.64 Relevant partners of a local authority include any other local authority with whom they agree it would be appropriate to co-operate (for example, neighbouring authorities with whom they provide joint shared services) and the following agencies or bodies who operate within the local authority's area including:

- NHS England
- CCGs
- NHS trusts and NHS foundation trusts
- Department for Work and Pensions
- the police
- prisons
- probation services

14.65 Local authorities must also co-operate with such other agencies or bodies as it considers appropriate in the exercise of its adult safeguarding functions, including (but not limited to) those listed in section 6(3):

- general practitioners
- dentists
- pharmacists
- NHS hospitals
- housing, health and care providers<sup>19</sup>

All relevant institutions (including those listed above, must emphasise to all their staff the value of "early, positive interventions" and "have the mechanisms in place that enable early identification and assessment of risk through timely information sharing and targeted multi-agency intervention".<sup>20</sup>

## 1.3 Further information

As noted above, further information is available in the House of Commons Library briefing on [Learning Disability – policies and issues \(April 2016\)](#).

---

<sup>17</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.162-3

<sup>18</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.145-7

<sup>19</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.63-5

<sup>20</sup> [Care and Support Statutory Guidance](#), updated August 2017, para 14.66-7

People with a learning disability may, at certain times, lack the mental capacity to consent to necessary treatment in a hospital or care home. The Deprivation of Liberty Safeguards (DoLS) ensure that people are only deprived of their liberty in a safe and correct way, and that this is only done when it is in their best interests and there is no other way to provide necessary care and treatment. For further information, see the House of Commons Library briefing on [Deprivation of Liberty Safeguards](#) (October 2017).

## 2. Press Articles

### 2.1 Support with independent living

[Companies fear employing people with learning disabilities, survey reveals](#), *Guardian*, 10 November 2016

- Many employers are nervous about how customers and staff will interact with people with learning disabilities

['I don't think employers see what disabled people can do'](#) *Guardian*, 3 October 2017

- In this article, jobseekers with disabilities describe the difficulties of finding work

['Locked up' in learning disability units: 'I want my son home'](#) *Community Care*, 5 July 2017

- An article questioning why, despite the Transforming Care programme, "thousands of people with learning disabilities and autism are still in hospital and people continue to be admitted to assessment and treatment units"

[The council that includes service users when choosing their care provider](#), *Guardian*, 2 June 2016

- In Oxfordshire, people who use supported accommodation and their families sit on panels to select who delivers their care

[People with learning disabilities facing long waits for care reviews](#), *Community Care*, 26 April 2017

- Report following the publication of the report from the Public Accounts Committee, ['Local support for people with a learning disability'](#)

[Patients with learning disabilities missing out on health checks](#), *BBC News*, 8 April 2017

[Half of patients with learning disability miss out on annual GP health check](#), *British Medical Journal*, 7 April 2017

[Paying people with learning disabilities lower wages perpetuates inequality](#), *Guardian*, 17 March 2017

- Article about calls to pay people with learning disabilities below the minimum wage

[How to stop locking up people with learning disabilities who offend](#), *Community Care*, 6 March 2017

[Charities are fighting to get those with learning disabilities hired – here's how we can help](#), *Independent*, 23 October 2016

[Clock turned back on rights for people with a learning disability](#), *Guardian*, 14 October 2016

- According to this article, evidence suggests that independent living offers better value for money in terms of care costs. However the author feels that councils are not recognising this

evidence and instead have been returning to residential care due to budgetary pressures

[A learning disability commissioner? Views from the social care sector](#), *Guardian*, 22 February 2016

- Five years after Winterbourne View, Sir Stephen Bubb says a commissioner is needed to protect the rights of people with learning disabilities

## 2.2 Safeguarding issues

[Theresa May urged to appoint learning disability commissioner](#), *BBC News*, 11 July 2017

- The "shocking" case of a man with learning disabilities and terminal cancer has led to a call for the prime minister to appoint a commissioner for learning disabled people's rights.

[Inspectors looked at the delivery of care for people with learning difficulties in Wales and this is what they found](#), *Wales Online*, 28 June 2016

- Six local authorities were inspected by the Care and Social Services Inspectorate Wales (CSSIW) and Healthcare Inspectorate Wales (HIW) over six months

[Parallel cases call for better support for vulnerable people](#), *ITV News Tyne Tees*, 16 June 2017

- Article about the parallels in the separate reviews of the murders of two vulnerable people.

[Care home staff guilty of 'organised and systematic' abuse of disabled adults](#), *Telegraph*, 7 June 2017

- Care home bosses could increasingly face prosecution over the neglect of residents after a "groundbreaking" court case into "organised and systematic" abuse

[Winterbourne View: Victims' families criticise 'painfully slow' progress following care home abuse](#), *Independent*, 31 May 2016

- Article about Panorama programme where families of victims of the Winterbourne View scandal demand the prime minister shuts outdated care home institutions.

[People with autism among most likely to fall victim to disability hate crime, figures show](#), *Independent*, 8 May 2017

- Campaigners call for more to be done to ensure those whose disability impacts them 'socially or behaviourally' get better support from police, prosecutors and wider community

[Revealed: NHS hospitals investigate one in seven deaths of vulnerable patients](#), *Guardian*, 25 April 2016

- Jeremy Hunt urged to investigate after trusts examine just 222 of 1,638 deaths of patients with learning disabilities

[50,000 families caring for relatives at home risk breaking the law by locking them in](#), *Telegraph*, 13 March 2017

[People with a learning disability are treated as second-class citizens – it has to stop now](#), *Telegraph*, 3 March 2017

- Article published after television report from Channel 4 exposing “unacceptable treatment” of people with learning disabilities

[The way we care for people with learning disabilities is a national scandal](#), *Guardian*, 3 March 2017

- Article published after television report from Channel 4 exposing “unacceptable treatment” of people with learning disabilities

## 3. Parliamentary material

Below are some Parliamentary contributions made, since early 2016, regarding support for those with learning disabilities.

### 3.1 Debates

[Disability: Premature Deaths](#)

HL deb 17 October 2016 cc.2201-2220

[Learning Disabilities: Transforming Care](#)

HL deb 9 June 2016 cc.817-820

### 3.2 Bills

[Learning Disabilities \(Review of Services\) Bill \[HL\] 2017-19](#)

- House of Lords Private Members Bill currently before Parliament. The Bill would “make provision for the Secretary of State to undertake a public consultation reviewing the provision of comprehensive and integrated services for adults with learning disabilities.”

[Health Services Commissioning \(Equality and Accountability\) Bill 2016-17](#)

- A House of Lords Private Members Bill that did not reach second reading. The Bill would have made “provision to reduce inequalities in the health care received by people with mental illness and learning disabilities; to require commissioners of health services to make an annual report to the Secretary of State on the equality of service provision to, and the health outcomes for, such people and of their qualitative experience of health care services; and for connected purposes.”

### 3.3 Parliamentary Questions

#### General

[Oral Answers to Questions: Learning Disabilities and Autism](#)

HC deb 17 November 2015 cc. 499-500

- Several questions asked concerning general care and support as well as the role of free schools and local authorities

#### Education, skills and employment

Oral answers to questions: [Learning Difficulties: Support](#)

HC deb 20 February 2017, cc.762-763

[Apprentices: Learning Disability](#), PQ 8840, 13 Sep 2017

**Justin Tomlinson:** To ask the Secretary of State for Education, what progress she has made on implementing the recommendations of the Maynard Review into apprenticeships for people with a learning disability.

**Anne Milton:** From this autumn, apprentices with an Education Health and Care Plan or legacy statement can apply for an adjustment to English and maths requirements to Entry Level 3, and British Sign Language (BSL) will be an alternative to English Functional Skills for those who have BSL as their first language.

We are evaluating how the new funding system is working to encourage the successful take up and likely achievement of apprentices with a disability, embedding apprenticeships into the wider Civil Service diversity and inclusion strategy, as well as developing communications and guidance for employers, including toolkits and diversity training.

The Department for Work and Pensions (DWP) has continued to develop the Access to Work funding stream to consider pre-existing assessments of need agreed by other agencies. DWP has further updated the Access to Work Pre-employment eligibility letter and is developing supporting case studies, as well as promoting the Mental Health Support Service to apprentices. It is also embedding the Disability Confident scheme in the apprenticeship recruitment service and using the scheme to promote public sector good practice.

We have set a public measure of success to increase apprenticeship starts by people with learning difficulties and/or disabilities by 20% by 2020.

[Apprentices: Learning Disability](#), PQ 8353, 12 Sep 2017

**Jim Fitzpatrick:** To ask the Secretary of State for Education, when she plans to implement recommendation 8 of the Maynard Taskforce.

**Anne Milton:** We are making good progress in implementing the recommendations made by Paul Maynard's taskforce to ensure that having a learning difficulty and/or disability is not a barrier to becoming an apprentice.

In accordance with Recommendation 8, we considered joining up funding streams to reduce potential hurdles. On reviewing departments' policies, we found that sources of funding support for those with learning disabilities in work are already streamlined. The Department for Work and Pension's Access to Work scheme is a highly personalised funding stream, which is already able to consider pre-existing assessments of need agreed by other agencies in emplacing support in the workplace, including Additional Learning Support assessments.

We are also evaluating how the new apprenticeship funding system is working to encourage the successful take up and likely achievement of

apprentices with a disability. We have developed guidance materials, which make clearer the support available to disabled apprentices and how to access that, including a toolkit for employers to help them develop a more inclusive and accessible apprenticeship offer, and equality and diversity training materials.

[Employment: Learning Disability](#), PQ 6964 07 Sep 2017

**Debbie Abrahams:** To ask the Secretary of State for Work and Pensions, what steps he is taking to increase employment opportunities for people with a learning disability in (a) the public sector and (b) the wider economy.

**Penny Mordaunt:** The Government is strongly committed to increasing employment opportunities for people with learning disabilities and are working across Government and with local authorities, voluntary organisations and employers in the public and private sectors to achieve this.

For people with a learning disability or autism who are known to adult social care services, or those in contact with secondary mental health services, we are working with local authorities, to test an approach to delivering supported employment, with payments based on employment outcomes. We are also testing supported work experience for young disabled people aged 18-24 flowing into the Work-Related Activities Group of Employment Support Allowance or the Universal Credit equivalent. Those young people with little or no work experience will be offered a supported work experience placement with an employer, to help them gain confidence and encourage them to look for work. Although the proof of concept is pan-disability we expect a significant proportion of those taking part to have a learning disability.

Eligibility to specialist employment support programmes such as Work Choice (WC) and Specialist Employability Support (SES) is not benefit or disability specific, but does include claimants who are on Jobseeker's Allowance and who have a learning disability. Of all those to have who started Work Choice, 56% were claiming Jobseeker's Allowance and almost a quarter had a mild learning disability/moderate to severe learning disability.

We are promoting Disability Confident among employers, including the benefits to business of employing people with learning disabilities. Almost 5,000 employers have now signed up to be Disability Confident, including all Government Departments. Access to Work is also available to help people with learning disabilities into employment, such as funding for a Job Coach to support a person's induction and provide on-site training in a new job.

DWP publishes online guidance for employing people with health conditions and disabilities, including learning disabilities. It provides information to help employers increase their understanding of disability and enable them to recruit and support disabled people and those with long term health conditions in work. The Disability Confident scheme provides links to a range of guidance and other resources to enable

employers to become more confident when recruiting and retaining disabled people. The guidance can be accessed at <https://www.gov.uk/government/publications/employing-disabled-people-and-people-with-health-conditions/employing-disabled-people-and-people-with-health-conditions>

The Green Paper Improving Lives; the Work, Health and Disability Green Paper, asked questions about how we better support people into employment and highlighted learning disabilities as an area for further discussion. We engaged in a wide range of conversations with stakeholders during the consultation period and received over 6000 responses. We are now carefully considering these formulating next steps for longer-term reform.

[Employment: Learning Disability](#), PQ HL6224 04 Apr 2017

**Lord Condon:** To ask Her Majesty's Government what steps they are taking to encourage the full-time employment of adults with special learning needs; and what progress was made in (1) 2015, and (2) 2016.

**Lord Henley:** The Government strongly supports the need to provide more employment opportunities to adults with a learning disability or autism.

In 2015 3,140 individuals with a learning disability started the Work Choice programme, with 61% achieving a job outcome. 2016 annual data are not yet available. In 2015 the department introduced Specialist Employability Support (SES) to provide up to a further 1700 places per year intensive and personalised support for people, including those with learning disabilities.

Disability Confident works to influence employers to take on more disabled people, including those with learning disabilities, and to market Access to Work to disabled people.

Access to Work has a new Hidden Impairment Support Team which aims to give advice and guidance to employers, and offers eligible workers an assessment of their needs at work and a support plan.

Last year, Paul Maynard MP led a taskforce that made recommendations to Government on how to improve access to apprenticeships for people with learning disabilities. Department for Work and Pensions and the Department for Education are working together to implement all of these recommendations.

Looking forward, we are testing ways to improve our support for people with learning disabilities through a Local Supported Employment proof of concept and Supported Work Experience for young people, which offers young people with learning disabilities and other long term conditions a chance to spend time with an employer.

[Employment: Learning Disability](#), PQ 39535 14 Jun 2016

**Jim Shannon:** To ask the Secretary of State for Work and Pensions, if he will take steps to encourage businesses to train and employ people with learning difficulties to give them equal opportunities.

**Justin Tomlinson:** Employment for people with learning disabilities is a Government priority.

Through our Disability Confident campaign we are encouraging employers to attract, recruit and retain disabled people, including those with Learning Disabilities, who are eager to work and have the skills, talents and abilities that employers are looking for.

In 2014/15 Access to Work supported 2,010 awards for people with learning disabilities; the highest ever number of learning disabled people supported since the start of our records in 2007.

The Department is an active member of the National Learning Disability Programme Board, chaired by Department of Health. This is a cross-government group, working co-productively with disabled people and disability organisations to positively shape future policy to improve services and increase work opportunities for people with Learning Disabilities. The Department is supporting the development of a joint Learning Disability Strategy to drive this agenda forward.

We have also set up a taskforce to look at improving accessibility of apprenticeships for people with Learning Disabilities. Individuals invited to sit on the taskforce represent a range of organisations and specialisms, from employers and training providers to charities and educational experts. Organisations representing disabled people and those with learning disabilities (for example Scope and MENCAP) are also taking part.

## Health services and social care

[NHS: Reorganisation](#), PQ 1488 03 Jul 2017

**Norman Lamb:** To ask the Secretary of State for Health, what steps he is taking to ensure that each sustainability and transformation plan area improves community-based support for people with mental health conditions, learning disabilities and autism.

**Jackie Doyle-Price:** NHS England's national mental health team and regional teams are working closely with Sustainability and Transformation Plan (STP) footprints to deliver the Five Year Forward View for Mental Health commitments, based on the trajectories published in Implementing the Five Year Forward View for Mental Health.

As part of NHS England's delivery approach, national and regional mental health leads are working together to track progress across the mental health programme in STPs, and areas are being offered targeted support to build leadership and improve commissioning and quality.

Through this and careful tracking of progress and investment, NHS England will ensure implementation of recommendations to improve community-based support for people with mental health conditions.

Plans to improve community-based support for people with learning disabilities and autism with behaviour that challenges are detailed in Transforming Care Plans (TCPs), which are closely linked to STPs. Each area of England has produced a TCP demonstrating a reduction in the number of inpatient beds and strengthening the community services in their area for people with learning disability and autism. The plans have detailed milestones to support delivery, and are scrutinised at regional and at national level.

Local authorities and National Health Service commissioners are required to take account of the 2009 Autism Act. The autism strategy, Think Autism, published in 2014, and its statutory guidance supports the effective development of local strategies to design and deliver services for meeting the needs of adults with autism.

[Health Services: Learning Disability](#), PQ HL6172 30 Mar 2017

**Baroness McIntosh of Pickering:** To ask Her Majesty's Government, in the light of the commitment made in *Transferring Care for People with Learning Disabilities - Next Steps*, published in January 2015, to establish a reconfiguration taskforce to support local leaders to reshape services in the north of England, what progress they have made in this regard.

**Lord O'Shaughnessy:** Since January 2015 significant progress has been made against this commitment in the North of England.

Work was undertaken in the summer of 2015 in designated 'Fast Track' areas, including in Lancashire, Greater Manchester and Cumbria and the North East region. Funding was provided to these areas to pilot the transformation of services in line with the new Building the Right Support (BRS) service model. Each Fast Track area focussed on the development of different services elements, but all demonstrated the local leadership and governance required to reshape services in these areas. To support this work, additional resources were provided for dedicated NHS regional teams in both the North and Midlands and East regions. Learning from this work in 2015 informed the broader roll-out of the BRS strategy from April 2016.

Transforming Care Partnerships (TCPs) were rolled out from April 2016 nationally, with 10 being developed in the North. In the past 12 months, each TCP has developed a leadership and governance structure, set out a transformation plan, and begun developing services as part of a three year programme of delivery. At the regional level, a North Transforming Care Board is attended by all relevant TCP Senior Responsible Officers, with senior representation from all partnership bodies including NHS England, the Local Government Association, voluntary sector partners as well as people with lived experience. This Board is key for assuring and challenging the planning and delivery

undertaken by TCPs. It also provides an opportunity for shared learning and development.

[Learning Disability](#), PQ HL5730 15 Mar 2017

Lord Condon: To ask Her Majesty's Government what progress has been made since February 2016 to protect and promote the rights of people with learning difficulties, in the light of the report by Sir Stephen Bubb *Time for Change: The Challenge Ahead*.

**Lord O'Shaughnessy:** The Transforming Care programme is making progress in moving people out of inpatient settings. Local Transforming Care Partnerships reduced the overall number of people with learning disabilities and/or autism in mental health hospitals by 11% from October 2015 to December 2016, according to published data. This is line with the 35-50% reduction we committed to achieving by 2019 in *Building the Right Support*.

NHS England is supporting areas to put in place new preventative services, such as intensive community support teams, to support people at points of crisis so that they do not need to be admitted to hospital. NHS England is investing £10 million per year, matched by clinical commissioning groups, to support the growth in services such as these.

NHS England is also rolling out pre-admission care and treatment reviews to assess whether there are viable alternative options when making a decision to admit an individual. NHS England is making available £20 million in capital per year to support an expansion in community based support for people with a learning disability.

The Department is commissioning a full and independent evaluation of the Transforming Care programme, which will focus on measuring changes in quality of life and of care over time, to assess the impact of the programme on the lived experience of people with learning disabilities.

[Community Care: Learning Disability](#), PQ 66576 09 Mar 2017

**Ian Austin:** To ask the Secretary of State for Communities and Local Government, what steps he is taking to ensure that social care funding is available for people with a learning disability at the same level as that for elderly people.

**Marcus Jones:** Local government has autonomy to determine how best to manage its own finances to ensure it delivers the appropriate level of services for its residents whether that is for people with learning disabilities or elderly people receiving social care.

[Health Services](#), PQ 49525 24 Oct 2016

**Luciana Berger:** To ask the Secretary of State for Health, with reference to paragraph 2.12 of the Government's mandate to NHS England for 2016-17, published in January 2016, what progress his

Department has made on meeting the commitment to reduce the health gap between people with (a) autism, (b) mental health problems and (c) learning disabilities and the population as a whole.

**David Mowat:** NHS England is due to publish data from the Clinical Commissioning Group Improvement and Assessment Framework. These data, include indicators on mental health and learning disabilities that relate to the objectives set out in the mandate to NHS England. My Rt. hon. Friend the Secretary of State for Health will publish his Annual Assessment of NHS England, including progress against the mandate objectives, at the end of this financial year. The 2017-18 mandate to NHS England, including agreed future objectives for NHS England, will be published in due course.

The 'Think Autism' Adult Autism Strategy for England set out a clear, cross-Government programme of action, developed with people with autism to improve lives, reduce premature mortality and reduce the health gap for people with autism. This would be achieved through better access to healthcare for people with autism and by making improvements to services. In January 2016, a cross-Government Report on progress on implementation of the Think Autism Strategy was published which set out new recommendations for going forward.

The Department is represented on the Study Steering Committee for the SHAPE (Supporting adults with High-functioning Autism and Asperger syndrome) project. This is a national study led by the Social Policy Research Unit at the University of York. Stage 1 of the project aims to describe and map provision of autism services in England which fulfil the National Institute for Health and Care Excellence's description of a Specialist Autism Team. A report will be published shortly including information about the service models and care pathways which different localities have implemented.

[Learning Disability](#), PQ 34981 27 Apr 2016

**Geoffrey Cox:** To ask the Secretary of State for Health, what steps other than the social care precept the Government is taking to ensure that local authorities are able adequately to fund services for people with learning disabilities.

**Alistair Burt:** In addition to the social care precept, which gives local authorities access to up to £2 billion for adult social care by 2019/20; the Government has supported adult social care, which includes care for those with learning disabilities, by giving local authorities access to up to £1.5 billion of new support by 2019/20. This is based on the additional social care monies to be included in the Better Care Fund.

In the national service model and *Building the Right Support* published in October 2015, NHS England, the Local Government Association and the Association of Directors of Adult Social Services set out how areas would be supported to deliver lasting change to people with a learning disability and/or autism who display behaviour that challenges.

This includes service transformation – shifting money from some services, such as inpatient care, into others, such as community services.

To support this NHS England is making available up to £30 million of transformation funding over three years, to be matched by clinical commissioning groups, and £15 million in capital funding. This funding is in addition to the £10 million which was made available to six fast track areas in 2015/16.

[Learning Disability: Mortality Rates](#), PQ 35133 27 Apr 2016

**Luciana Berger:** To ask the Secretary of State for Health, what progress has been made on the University of Bristol study of the mortality rates of people with learning disabilities in NHS care, commissioned by NHS England and announced on 18 June 2015.

**Alistair Burt:** The University of Bristol has appointed the programme team who will oversee the mortality review programme and has consulted with interested parties on the methodologies and approaches to be used. A pilot review programme is underway in the North East and Cumbria which will be used to inform how the programme operates as it is rolled out. A plan is now in place to roll out the review across all regions of England between now and 2018, with pilots starting in other parts of the country during 2016/17. Additional resources have been made available to support regions in this work.

[Autism: Death](#), PQ 34636 25 Apr 2016

**Luciana Berger:** To ask the Secretary of State for Health, what steps his Department is taking to reduce premature death among people (a) with autism and a learning disability and (b) with autism and no learning disability.

**Alistair Burt:** Information is not collected centrally on how many clinical commissioning groups collect prevalence and standardised mortality data on autistic people as part of their joint strategic needs assessments.

The National Health Service is taking action to reduce premature death among people with autism and a learning disability, and with autism by increasing annual health checks for people with learning disabilities, including for those who also have autism. The NHS is working to reduce variation and improve care for physical health conditions that disproportionately impact on people with learning disabilities who also may have autism, including epilepsy and cancer. NHS England has commissioned the world's first Learning Disability Mortality Review Programme to support local areas to review deaths of people with learning disabilities and to use the information to improve service provision. This review programme for people with learning disabilities includes those who also have autism.

Think Autism set out a clear, cross Government programme of action, developed alongside people with autism, their families and carers to

improve their lives and reduce premature mortality through better access to healthcare by making adjustments to services. This includes supporting the Royal College of General Practitioners (RCGPs) Autism Initiative to improve understanding of autism amongst GPs.

[Community Care: Learning Disability](#), PQ 32675 18 Apr 2016

**Tom Brake:** To ask the Secretary of State for Health, what arrangements his Department has put in place to ensure that long-term funding is available for the transfer of care for people with learning disabilities from inpatient facilities to community care settings outlined in NHS England's Transforming Care programme.

**Alistair Burt:** In national service model and *Building the right support* published in October 2015 NHS England, the Local Government Association and the Association of Directors of Adult Social Services set out how areas would be supported to deliver lasting change to people with a learning disability and/or autism who display behaviour that challenges.

To develop community capacity, clinical commissioning groups (CCGs), local authorities and NHS England's specialised commissioners have formed 48 transforming care partnerships (TCPs) to plan for the future. TCPs have been asked to use the total sum of money they spend as a whole system on people with a learning disability and/or autism to deliver care in a different way to achieve better results. This includes shifting money from some services (such as inpatient care) into others (such as community health services including mental health services or individual packages of support). The costs of the future model of care will therefore be met from the total current envelope of spend on health and social care services for people with a learning disability and/or autism.

During a phase of transition, commissioners will need to invest in new community support before closing inpatient provision. To support them to do this NHS England will make available up to £30 million of transformation funding over three years, to be matched by CCGs, and £15 million in capital funding. This funding is in addition to the £10 million made available to six fast track areas in 2015/16.

[Learning Disability](#), PQ 31169 21 Mar 2016

**Luciana Berger:** To ask the Secretary of State for Health, what steps he is taking to develop a long-term workforce strategy for learning disabilities.

**Ben Gummer:** Health Education England (HEE) was established to deliver a better healthcare workforce for England and using all available data is accountable for ensuring that we have a National Health Service workforce in the right numbers, with the right skills, values and behaviours to respond to the current and future needs of patients.

HEE has been working with Skills for Care, Skills for Health and national transforming care partners to deliver a comprehensive workforce strategy to transform services for people with a learning disability, autism and/or behaviour that challenges to make a significant and lasting improvement to their care and lives.

HEE has developed and made available a number of enabling tools and resources that can be utilised throughout Transforming Care Partnership including:

- a Learning Disability Skills and Competency Framework which adopts a competency based approach to workforce planning and development;
- a series of role templates to support the development of community and enhanced community teams; and
- HEE Learning Disability Expert Reference Group Chaired by Baroness Hollins is exploring the career framework opportunities within health and social care for the development of new roles and education and training pathway.

[Health Services: Learning Disability](#), PQ HL6303 07 Mar 2016

**Lord Condon:** To ask Her Majesty's Government what assessment they have made of the report by Sir Stephen Bubb *The Challenge Ahead* and his proposal for a Commissioner to protect and promote the rights of people with learning difficulties.

**Lord Prior of Brampton:** The Government welcomes Sir Stephen Bubb's report *Time for Change – the Challenge Ahead* which focuses on improving the experience of care and outcomes for people with learning disabilities. Sir Stephen's report acknowledges the real progress that has been made in the last year.

The Department will consider the recommendations in *Time for Change – the Challenge Ahead* in our development of a Learning Disability Action Plan. However, new statutory roles and legislation are not necessarily the answer to achieving the changes envisaged by the Steering Group. We believe that we can make more rapid and meaningful progress by ensuring that the rights that exist under current laws and statutes are properly understood, implemented and exercised by those with learning disabilities and/or autism.

[Learning Disability](#), PQ 28525 01 Mar 2016

**Nic Dakin:** To ask the Secretary of State for Health, with reference to the report by Sir Stephen Bubb, *Time for Change: the challenge ahead*, published in February 2016, what assessment he has made of the potential merits of establishing a commissioner for people with learning disabilities.

**Alistair Burt:** The Department will consider the recommendations made in *Time for Change – the Challenge Ahead*, as part of development work on our Learning Disability Action Plan and in

delivering the commitments we made in the Government's response to 'No voice unheard, no right ignored' consultation published in November 2015. However, new statutory roles and legislation are not necessarily the answer to promoting and protecting the rights of people with learning disabilities and their families.

In the response to 'No voice unheard, no right ignored', we set out how we can make more rapid and meaningful progress by ensuring that the rights that exist under current laws and statutes are properly understood, implemented and exercised by those with learning disabilities and/or autism. This work is underway and we have made a clear commitment to consider legislation if the actions we propose do not create sufficient progress.

## Prisons

[Prisoners: Disability](#), PQ 64328 27 Feb 2017

**Anne Main:** To ask the Secretary of State for Justice, what steps her Department is taking to ensure that people with learning difficulties or disabilities are accommodated in available prison employment, education or training systems.

**Sam Gyimah:** The Government is committed to making prisons work, so that offenders come out of prison better able to find work and support their families, and less likely to reoffend.

We have already taken steps to improve the support available to offenders with learning difficulties. NOMS, in conjunction with Calderstones NHS Trust and a number of other partners, are engaged in a project on learning difficulties and disabilities to improve outcomes for offenders both in custody and in community.

In the Prison Safety and Reform White Paper, we set out our plans to tailor educational input to suit the needs of the offender through a renewed focus on screening those offenders accessing prison education in order to identify learning difficulties or disabilities. Changing the way prisons are run creates an opportunity to refocus on offenders with learning difficulties and disabilities and how best they can be engaged with education in different types of prison environment. We will set out further details in the employment strategy that will be launched later this year.

[Offenders: Learning Disability](#), PQ 33777 21 Apr 2016

**Anna Turley:** To ask the Secretary of State for Justice, what steps his Department takes to assess the risk of re-offending of offenders with learning disabilities before they are moved from in-patient care to care in the community.

**Andrew Selous:** When considering whether to discharge offenders detained under the Mental Health Act 1983 from hospital, the Secretary of State or the First-Tier Tribunal (Mental Health) must decide whether the detention criteria in the Act continue to be met. These are whether

the person is suffering from a mental disorder of a nature or degree that warrants detention in hospital for treatment; or it is necessary for the health and safety of the patient or for the protection of others that he or she should receive such treatment; or the appropriate medical treatment is available. Decisions are based on advice provided by clinicians. The risk of re-offending by all patients, including those with learning disabilities, may inform their treatment programmes in hospital - for example, tackling drug addiction or reducing violence. The Secretary of State or the Tribunal will also take such risks into account for the purposes of determining the conditions for discharge into the community. Any learning disabilities may also be reflected in the level of care and support that offenders may be offered once they are in the community.

## Benefits

[Employment: Learning Disability](#), PQ 6963, 07 Sep 2017

**Debbie Abrahams:** To ask the Secretary of State for Work and Pensions, what recent assessment he has made of the effect of personal independence payments on retention of employment among people with a learning disability.

**Penny Mordaunt:** This is being considered in response to the recommendation outlined in the Second Independent Review of the PIP Assessment, which asked the Government to explore ways in which PIP may be an enabler in improving employment retention. However, the effect on claimants with specific conditions such as learning disabilities has not been explored as PIP is not awarded by health condition, but because of the way it impacts the claimant's ability to live an independent life.

[Work Capability Assessment](#), PQ 3372 13 Jul 2017

**Jonathan Lord:** To ask the Secretary of State for Work and Pensions, what recent assessment he has made of the effectiveness of health capability assessments for claimants of employment and support allowance with (a) mental health issues and (b) learning difficulties.

**Penny Mordaunt:** Strict audit and quality control measures are in place to ensure the Centre for Health and Disability Assessments delivers high-quality assessments.

The Department introduced the independent audit of Work Capability Assessments in March 2015 in line with the start of the new Health and Disability Assessment Service contract. Audit has a central role in confirming that independent health professional advice complies with the required standards and that it is clear and medically reasonable. It also provides assurance that any approach to assessment and opinion given is consistent so that, irrespective of where or by whom the assessment is carried out, claimants with conditions that have the same functional effect will ultimately receive the same benefit outcome.

Health Professionals receive training on how to identify the impact of mental health conditions on claimants. This is followed by on-going professional training and support which continues for the duration of their employment in the role.

Providers are required to make every attempt to obtain the best evidence available to assist the Health Professional undertaking the assessment to make a fully formed judgment. This includes evidence from Community Mental Health Teams, psychologists, psychiatrists and social workers supporting claimants with mental health conditions.

[Housing Benefit: Social Rented Housing](#), PQ HL106 24 May 2016

**Baroness Thomas of Winchester:** To ask Her Majesty's Government what measures they will take to protect and enhance the amount of local housing allowance paid by local authorities in England in order to meet the accommodation and support needs of persons with learning disabilities.

**Lord Freud:** A Written Ministerial Statement was published on 1 March 2016 to announce that the effect of the Local Housing Allowance cap for those living in social sector supported housing, including those with learning disabilities, would be deferred by a year, pending the outcome of a review.

We have done this because we understand the importance of ensuring that both those living in supported housing and those who provide this type of accommodation receive appropriate protections. This is why we are awaiting the outcome of a "Supported Accommodation" research project and subsequent policy review, to ensure support is focused on the most vulnerable and appropriate groups are safeguarded

## Children and families

[Forced Marriage](#), PQ 67636 16 Mar 2017

**Sarah Champion:** To ask the Secretary of State for the Home Department, with reference to the Forced Marriage Unit Statistics 2016, published on 9 March 2017, what steps she is taking to prevent people with learning disabilities from becoming victims of forced marriage.

**Sarah Newton:** The UK is a world-leader in the fight to stamp out the brutal practice of forced marriage. With our dedicated joint Foreign and Commonwealth Office (FCO) - Home Office led Forced Marriage Unit (FMU) leading efforts to combat it at home and abroad. We know that forced marriage can be a hidden crime, and we want to see more victims coming forward. That is why we have introduced lifelong anonymity for victims through the Policing and Crime Act 2017.

We are absolutely committed to ensuring that the police and other agencies understand this crime and respond effectively. The FMU operates a public helpline to provide advice and support to victims and professionals, and also carries out a comprehensive outreach programme of over 100 events a year for statutory agencies such as the

police, as well as affected communities. In addition, the FMU has published statutory guidance and made available free e-learning which highlights that forced marriage can affect men and boys as well as women and girls, and that those with learning and other disabilities may be particularly vulnerable. In December 2016, the Crown Prosecution Service (CPS) and police published their first ever joint forced marriage investigation and prosecution protocol, to highlight the importance of working in partnership.

Cases involving very young children often involve the promise of a future marriage rather than an imminent marriage. Anyone with concerns about a potential victim of any age can contact the FMU for advice.

We know there is more to do and we will continue to work with the police, CPS and College of Policing to drive improvements in the enforcement response, including through the National Oversight Group chaired by the Home Secretary.

The Home Office works closely with the FCO on this issue. The Minister for Asia and the Pacific, Mr Sharma, met political and non-Governmental organisation (NGO) representatives from the British-Pakistani community on 4 January 2017. Their discussion focused on challenges of looking after the interests of British citizens who spend time in and have family ties with Pakistan, and included the subject of forced marriage.

Wider work to tackle forced marriage overseas includes the Department for International Development's £39 million regional programme "Accelerating Action to End Child Marriage", which supports UNICEF/UNFPA in 12 priority countries.

## 4. Further reading

### Transforming care programme

NHS England, [Transforming Care programme](#)

- Resources for the Transforming Care programme with links to specific work streams and action plans.

[Local authority learning disability commissioners survey on Transforming Care](#), Local Government Association, December 2016

- A survey of “learning disability leads at all councils with adult social services responsibility” carried out by the Local Government Association. It looks at their views of the Transforming Care Programme.

[Transforming Care: our stories](#), National Autistic Society, 26 September 2017.

- This report uses a series of case studies of poor practice to make six recommendations for improvements

### Official publications

[Local support for people with a learning disability](#), National Audit Office, 3 March 2017

[Disability employment gap](#), HC 56, Work and Pensions Select Committee, 3 February 2017

[Work, health and disability green paper: improving lives](#), Department for Work and Pensions and Department of Health, 2 November 2016

[Housing and technology fund for people with learning disabilities](#), Department of Health, 15 September 2016

[Paul Maynard taskforce recommendations](#), Department of Education, Department for Work and Pensions, Department of Business, Innovation and Skills, 11 July 2016

- A taskforce looking at access to apprenticeships for those with learning disabilities

[No voice unheard, no right ignored - a consultation for people with learning disabilities, autism and mental health conditions](#) (consultation and Government response), Department of Health, last updated November 2015

[Care services for people with learning disabilities and challenging behaviour](#), National Audit Office, June 2014

[Winterbourne View – Time For Change](#), Transforming Care and Commissioning Steering Group, chaired by Sir Stephen Bubb (the ‘Bubb report’), 2014

[Confidential Inquiry into premature deaths of people with learning disabilities \(CIPOLD\)](#), University of Bristol on behalf of Department of Health, 2013

[Learning disabilities made clear toolkit](#), NHS Health Education England

## Third party organisations

[Choice is Key: Where next for accommodation and support for people with learning disabilities](#) [free to access, requires registration], Consensus, May 2017

- Consensus describes itself as a “leading provider of services for people with learning disabilities, autism and complex needs”

[The Care Crisis Manifesto 2017](#), Learning Disability Voices, 2017

- Learning Disability Voices states that it represents 20% of the learning disability care sector. The manifesto outlines ways in which funding for learning disability services could be improved.

### About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publically available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email [papers@parliament.uk](mailto:papers@parliament.uk). Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email [hcinfo@parliament.uk](mailto:hcinfo@parliament.uk).

### Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).