Definition, Guidance and Legislation applying to people with learning disability

Definition of learning disability

In the Department of Health White Paper *Valuing People* \(^1\) a ‘learning disability’ is defined as including the presence of:

- a significantly reduced ability to understand new or complex information, to learn new skills (impaired intelligence), with;
- a reduced ability to cope independently (impaired social functioning);
- which started before adulthood, with a lasting effect on development.

The learning disability charity Mencap defines a learning disability as: ‘a learning disability is a reduced intellectual ability and difficulty with everyday activities – for example household tasks, socialising or managing money – which affects someone for their whole life’. \(^2\)

Diagnosis of learning disability in children and adults

- If learning disability suspected in a child - liaise with their community Paediatrician/Paediatrician / Consultant Child Psychiatrist.
- If learning disability suspected in an adult - communicate with Local Authority Community Learning Disability services to check if the person is already known to services.
- Screen people using the LDSQ – Learning Disability Screening Questionnaire, or use [this tool](#) from Leeds & York Partnership NHS Foundation Trust.
• Consider referring to Community Learning Disability Services if available and adequately resourced to confirm diagnosis.

• If this resource is not available consider using the British Institute of Learning Disability’s (BILD) advice on obtaining an adult diagnosis of learning disability.3

The Learning Disability QOF register

The Learning Disability QOF register is all age. NICE creates the guidance about QOF – individual devolved nations and NHS England may choose different QOF indicators.4

The reason to be on the register

Mencap’s Don’t Miss Out campaign details the benefits of the Learning Disability QOF Register.5

Codes for populating the register

<table>
<thead>
<tr>
<th>Learning disabilities Read codes – diagnostic codes Read v2</th>
<th>Read CTV3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mental retardation</td>
<td>E3...%</td>
</tr>
<tr>
<td>[X]Mental retardation</td>
<td>Eu7..%</td>
</tr>
<tr>
<td>[X]Developmental disorder of scholastic skills, unspecified</td>
<td>Eu81z</td>
</tr>
<tr>
<td>[X]Mild learning disability</td>
<td>Eu816</td>
</tr>
<tr>
<td>[X]Moderate learning disability</td>
<td>Eu814</td>
</tr>
<tr>
<td>[X]Severe learning disability</td>
<td>Eu815</td>
</tr>
<tr>
<td>[X]Profound learning disability</td>
<td>Eu817</td>
</tr>
<tr>
<td>On learning disability register</td>
<td>918e.</td>
</tr>
<tr>
<td>Specific learning disability</td>
<td>Eu818</td>
</tr>
<tr>
<td>Significant learning disability</td>
<td>-</td>
</tr>
</tbody>
</table>

Table 1: Learning disabilities Read codes
Improving prevalence on register

Search for Read codes that will or may imply learning disability (please see the LD Read Codes list included in the ‘Definition, diagnosis and legislative framework’ section of the RCGP Annual Health Checks for people with Learning disabilities - Step by Step toolkit), then enter appropriate register code given on Table 1 above.

Encourage local Children’s medical services to define whether the child or young person has a learning disability in communication with the GP – see IHAL letters for paediatricians and parents (included in the ‘Definition, diagnosis and legislative framework’ section of the RCGP Annual Health Checks for people with Learning disabilities - Step by Step toolkit).

Liaise with local authority learning disability services to align registers.

The enhanced service for learning disability in England

The NHS Enhanced Service (ES) for learning disability offers annual health checks and health check action plans to all those on the practice learning disability register aged 14 and over. Technical requirements for the Enhanced Service can be found on the NHS Employers website.

The Equality Act 2010

Section 20 of the Act imposes a duty to make reasonable adjustments to enable people with a disability to equitably access services.

Information on the making reasonable adjustments for people with learning disabilities can be found here.

A range of easy read resources is available from the easyhealth website.

Resources and information on how to create easy read information is available from the Accessible Information website.
The Accessible Information Standard

The Accessible Information Standard aims to make sure that people who have a disability, impairment or sensory loss are provided with information that they can easily read or understand and with support so they can communicate effectively with health and social care services.

From the 1 August 2016 onwards it is a legal requirement for all organisations that provide NHS care or adult social services to comply with the standard.

The Standard requires:

1. Identification of communication needs.
2. Recording of communication needs, e.g. easy read information, Braille, telephone etc.
3. Flagging of any communication needs, e.g. flagging of the record so that staff are aware.
4. Sharing of communication needs, e.g. in all referral letters.
5. Meeting of communication needs, ensuring the practice complies with the patient’s needs.

Mental Capacity Act (MCA)

The MCA is designed to protect and empower individuals who may lack the mental capacity to make their own decisions about their care and treatment. It is a law that applies to individuals aged 16 and over.

The Principles of MCA

The MCA says:

- Everyone has the right to make his or her own decisions. Health and care professionals should always assume an individual has the capacity to make a decision themselves, unless it is proved otherwise through a capacity assessment.
• Individuals must be given help to make a decision themselves. This might include, for example, providing the person with information in a format that is easier for them to understand.
• Just because someone makes what those caring for them consider to be an ‘unwise’ decision, they should not be treated as lacking the capacity to make that decision. Everyone has the right to make their own life choices, where they have the capacity to do so.
• Where someone is judged not to have the capacity to make a specific decision (following a capacity assessment), that decision can be taken for them, but it must be in their best interests.
• Treatment and care provided to someone who lacks capacity should be the least restrictive of their basic rights and freedoms possible, while still providing the required treatment and care.

**MCA resources:**

• RCGP Mental Capacity Act (MCA) Toolkit for Adults in England and Wales 2011
• GMC interactive online tool
• BMA mental capacity toolkit
• NHS Choice guidance on the MCA

**Safeguarding adults and children**

• GMC adult safeguarding guidance
• GMC child safeguarding guidance
• BMA safeguarding vulnerable adults guidance
The Care Act 2014

For further information on the Care Act refer to:

- Department of Health Care Act factsheets

The summary Care Record with Additional information

Refer to the NHS guidance for GPs to use the Summary Care Record and additional Information. Note that consent is required – see capacity assessment and best interests decisions.

The SCR covers:

- significant medical history past and present
- reason for medication
- anticipatory care information
- communication preferences – complies with Accessible Information Standard
- end of life care information
- immunisations
- should also include any Reasonable Adjustments the person needs to access care.

NICE guidance on learning disabilities

Information on NICE guidelines relating to people with learning disabilities can be found here. Topics covered include:

- Challenging Behaviour and learning disability.
- Mental Health Problems in People with Learning Disability.
- Dementia.
References


