

'A' for Adjustment Session Two

Adjusted Care - Supplementary Information

Attitude – A framework / opportunity for staff to explore their thinking about disability, learning disability, discrimination and rights

Adjusted Care – an introduction and overview of the Equality Act and the statutory duties including Reasonable Adjustments

Approach – Guidance, advice and ideas for ensuring a positive, tailored, flexible and effective approach is offered to meet individual needs

Assessment – A review of the common health problems associated with learning disabilities, what to look out for and tools that can help.

Actions – Guidance for staff on what to do and where to get help in response to individual needs and concerns; includes suggestions on how to improve future responses and follow up actions.

An overview of the Equality Act, other legislation and statutory duties including Reasonable Adjustments

Legislation	Responsibilities
<p>The Health and Social Care Act – regulation 9 person centred care</p>	<p>The Care Quality Commission (CQC) regulates and inspects against Regulation 9:</p> <p>This regulation makes sure that each person receives appropriate person-centred care and treatment that is based on an assessment of their needs and preferences including:</p> <ul style="list-style-type: none"> ▪ Working in partnership with the person and their family, make any reasonable adjustments and provide support to help them understand and make informed decisions about their care and treatment options. ▪ Take into account people’s capacity and ability to consent, and that either they, or a person lawfully acting on their behalf, must be involved in the planning, management and review of their care and treatment. ▪ Decisions made must be in line with the principles of the Mental Capacity Act 2005, which includes the duty to consult others such as carers, families and/or advocates where appropriate.

<p>The Equalities Act 2010</p>	<p>The Equality Act 2010 legally protects people from discrimination. It replaced previous anti-discrimination laws, including the Disability Discrimination Act (1995) with a single Act, making the law easier to understand and strengthening some protections.</p> <p>The Act covers the ‘Protected Characteristics’ of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.</p> <p>The protected characteristic of Disability is defined as a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on your ability to do normal daily activities. However, the definition does not require a specific diagnosis or categorisation.</p> <p>Both Learning Disability and Autism are specifically listed by the Act.</p> <p>Equality for disabled people may mean changing the way in which services are delivered and making reasonable adjustments for example, providing extra equipment and/or the removal of physical barriers.</p>
	<p>Equality v Equity</p> <p>Reducing (health) inequality is central to the NHS Long Term Plan; we know that people with a learning disability experience some of the worst health inequalities in the UK. It is important to understand the subtle difference between Equality and Equity.</p> <p>By being equal and fair means that we need to treat people differently in order to gain equality.</p> <p>People with disabilities will need differing treatment and reasonable adjustments to make their opportunities the same as another’s; this is called equity. Providing the same type and number of resources to all is not enough.</p> <p>In order to reduce the health inequalities gap, the underlying issues and individual needs of people with disabilities (and other vulnerable groups) must be effectively addressed.</p>
<p>The Human</p>	<p>The Human Rights Act 1998 is the main legislation that sets out the rights of people in the UK (including those with learning</p>

Rights Act

disabilities and autistic people).

The Human Rights Act defines the right to speak your mind and be kept safe from harm, as well as the right to respect, dignity and equality.

We all have a duty to make sure an individual's rights are respected, not only by ourselves but by other people involved in their care.

Relevant Human Rights

There are a number of specific rights that are particularly relevant to people with learning disabilities and the issues that they still face in day-to-day life. Some of these include, but are not limited to Article 2, 3 and 14.

Article 2 – the right to life

This is a universal and limitless right. Those with severe and profound learning disabilities therefore have the right to life-saving medical treatment, to treatment that prolongs life.

Article 3 - everybody has the right not to be tortured in an inhuman or degrading way

For people with learning disabilities, this means that they are legally protected from both mental and physical abuse, protected from living in poor conditions in institutions, with the right to be protected from any form of neglect, such as not being dressed, fed or receive appropriate care and treatment.

The Human Rights Act 1998 also means that public authorities can be prosecuted should they fail to protect people with learning disabilities from abuse or neglect.

Article 14 – the right to not be discriminated against in the enjoyment of your other rights

Has a particular relevance to those with learning disabilities. This right helps to ensure that people with learning disabilities are not discriminated against because of their disability, in all aspects of life, including healthcare, job opportunities, the right to independent living, the right to services and support in the community and have the same equal rights and opportunities as everyone else.

<p>The Mental Capacity Act</p>	<p>People with a learning disability do not automatically lack capacity. Remember that capacity is situation specific and can be fluctuating.</p> <p>Capacity must always be assessed in line with the person's communication abilities and needs, and remember the principles of the Mental Capacity Act in making appropriate efforts and adjustment to enable decision making wherever possible.</p> <p>Follow the 5 principles of the Mental Capacity Act</p> <ol style="list-style-type: none"> 1. Assume a person has capacity unless proved otherwise. 2. Try everything possible to support the person make the decision themselves. 3. A person should not be treated as incapable of making a decision because their decision may seem unwise. 4. Always do things or take decisions for people without capacity in their best interests. 5. Before doing something to someone or making a decision on their behalf, consider whether the outcome could be achieved in a less restrictive way. <p>www.scie.org.uk/mental_capacity_act</p>
<p>NHS Accessible Information Standards</p> <p>Reasonable Adjustment Flag</p>	<p>NHS Accessible Information Standards - Since August 2016 onwards, all organisations that provide NHS care and / or publicly-funded adult social care are legally required to follow the Accessible Information Standard. The Standard sets out a specific, consistent approach to identifying, recording, flagging, sharing and meeting the information and communication support needs of patients, service users, carers and parents with a disability, impairment or sensory loss.</p> <p>Reasonable Adjustment Flag - NHS England and NHS Digital have built a Reasonable Adjustment Flag in the NHS Spine to enable health and care professionals to record, share and view patients' key reasonable adjustments across the health and care system.</p> <p>This enables staff and services to carry out their legal duty to provide adjustments - wherever the person is treated.</p> <p>The reasonable adjustment flag has been developed to support the needs of all people within the remit of the Equality Act; including those with physical or sensory disability, learning disability, or people with long-term conditions such as dementia.</p> <p>For more information on the Reasonable Adjustment Flag, please visit the NHS Digital website link provided under the</p>

**The NHS Long
Term Plan
2019**

**Further
information
and resources**

resources section of this session or watch this video
<https://youtu.be/GdCGpuE-izI>

The NHS Long Term Plan will set standards to promote greater consistency for people with a learning disability by addressing themes such as rights, the workforce, specialist care and working more effectively with people and their families.

The plan states that:

- Action will be taken to tackle the causes of morbidity and preventable deaths in people with a learning disability

The whole NHS will improve its understanding of the needs of people with learning disabilities and autism, and work together to improve their health and wellbeing.

<https://www.gov.uk/government/collections/reasonable-adjustments-for-people-with-a-learning-disability>

<https://digital.nhs.uk/services/reasonable-adjustment-flag#how-the-reasonable-adjustment-flag-can-help>

[Mencap - treat me well reasonable adjustments](#)

[Mencap - Treat Me Well](#) - Here are the **Treat Me Well** top 10 reasonable adjustments to support people with a learning disability which require a difference in behaviour and attitude, as much as a difference in environment or policy.

1. Speak clearly and use simple words.	Don't be patronising but do check understanding. It is really important not to make assumptions that someone has understood information they have been given.
2. Take your time	People with a learning disability may need a bit longer than other patients to be able to understand information they are given and to make themselves understood. Just ten extra minutes can make a big difference to many people.
3. Work with supporters	This could be a support worker or family member. Supporters can be really important, particularly for people with profound and multiple learning disability, but remember to talk to the person directly and support them to make decisions - supporters are there to help you do this!
4. Be flexible with appointment times	Many people with a learning disability will find it easier coming to hospital when it is quieter, so an appointment at the very beginning or very end of the day might make their appointment go more smoothly. They may also need an appointment at a time when their supporter is able to accompany them.
5. Make sure people can get into and around the hospital	This includes ensuring there are no physical barriers for people using wheelchairs or with mobility issues, but also making sure signs in the hospital are as easy to understand as possible.
6. Provide a quiet place to wait	Hospitals are often busy, noisy places and this can be overwhelming for many people with a learning disability. Having a quiet place to wait can prevent people getting anxious and having to leave the hospital. Many people also find waiting a long time very difficult.
7. Listen to your learning disability liaison nurse.	Most hospitals have learning disability liaison nurses who know lots about reasonable adjustments and can help you to support your patient. Ask your learning disability nurse if you know you will be seeing a patient with a learning disability.
8. Use hospital passports.	These are individual to each person and is a personalised record of what is important to someone and how best to support their health, care and communication needs whilst in hospital.
9. Provide written information in Easy Read format.	This means people are much more likely to read and understand information about their appointments, procedures and results. This is also a requirement of the NHS's own Accessible Information Standard.
10. Always ask the person what they need.	Reasonable adjustments are about what the person in front of you needs and they know that better than anyone. Don't make assumptions, just ask the person - and any family or carers with them and do your best to provide the support they need.

Take Action – Adjusted Care What will be different?

What will you do differently as a result of your learning today?

How will you take action?

Who will you involve? Do you require any additional learning or support and where would you go to access this?

By when will you do this?


Health Education England



This learning resource was commissioned by Health Education England working together with the National Development Team for Inclusion and Skills for Care - August 2020.