

# Learning Disability Awareness

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Learning Disabilities  
Services

# Topics

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- ❖ What is a Learning Disability
  - ❖ Mental Capacity Act
  - ❖ Deprivation of Liberty
  - ❖ Reasonable Adjustments
    - ❖ Case Study
- ❖ Learning Disability Services
  - ❖ Resources

# What is a 'Learning Disability'?

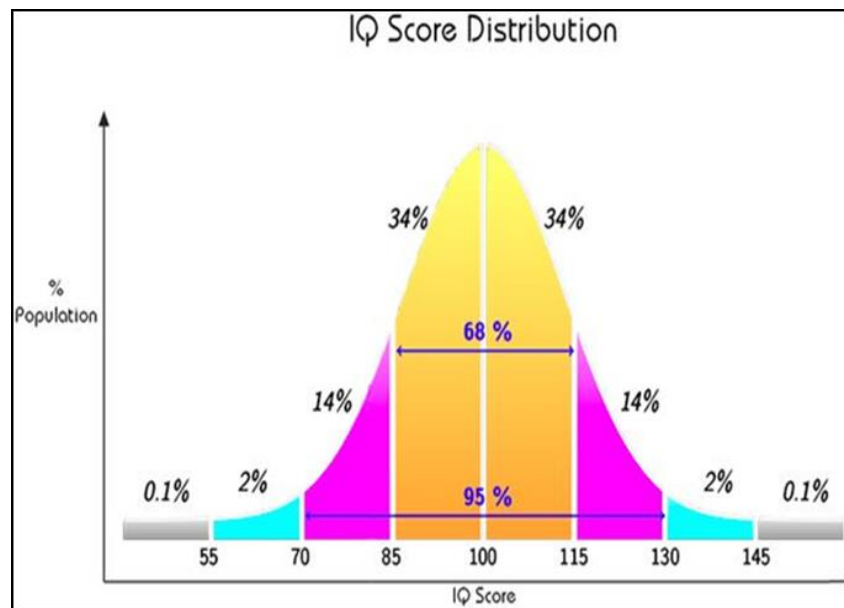
- A significantly reduced ability to understand new or complex information, to learn new skills (**impaired intelligence**), with;
- A reduced ability to cope independently (**impaired social functioning**);
- Which started before adulthood, with a lasting effect on development.

(Valuing People; DoH, 2009)



For a better life


- **Terminology now used;** significant (IQ 55-70) & severe (IQ <55)
- 2 % of population thought to have learning disability and 2% with MENSA status.



- (DSM-5, American psychiatric association)

# Video

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The  
Mental  
Capacity  
Act

The video thumbnail features a maroon background with a close-up of interlocking gears. The text 'The Mental Capacity Act' is centered in white. The thumbnail is set against a background of overlapping, semi-transparent geometric shapes in shades of green and yellow.

# Assessing Mental Capacity

When can a person consent for another person?

Who's responsibility would it be to action a capacity assessment/  
best interests discussion and how?

If giving someone bad news could lead to their mental health  
deteriorating should they still be informed?

How can conflict in decision making be resolved?

*Following this process you will be compliant with requirements of  
Mental Capacity Act - 2005*

Contact details for an IMCA - Surrey Disabled People  
Partnership – 0800 335 7330



# Deprivation of Liberty

The Mental Capacity Act allows restraint and restrictions to be used – but only if they are in a person's best interests.

Extra safeguards are needed if the restrictions and restraint used will deprive a person of their liberty. These are called the “Deprivation of Liberty Safeguards.”

The Deprivation of Liberty Safeguards can only be used if the person will be deprived of their liberty in a care home or hospital. In other settings the Court of Protection can authorise a deprivation of liberty.

Liberty Protection Safeguards will replace DOLS in the near future.

Deprivation of Liberty Safeguards (DOLS) are an amendment to the Mental Capacity Act 2005 & apply in England and Wales only.

Care homes or hospitals must ask a local authority if they can deprive a person of their liberty. This is called requesting a standard authorisation.

Other safeguards include rights to challenge authorisations in the Court of Protection, and access to Independent Mental Capacity Advocates (IMCAs).

If a standard authorisation is given, one key safeguard is that the person has someone appointed with legal powers to represent them. This is called the relevant person's representative and will usually be a family member or friend.

There are six assessments which have to take place before a standard authorisation can be given.

# Reasonable Adjustments

## **The equality Act, 2010 states;**

1. In order to ensure we provide equal access we must make reasonable adjustments
2. In the healthcare setting an anticipatory approach is expected
3. Public sector bodies have a requirement to tailor services to ensure people with disabilities are not disadvantaged

## **Making reasonable adjustments a reality;**

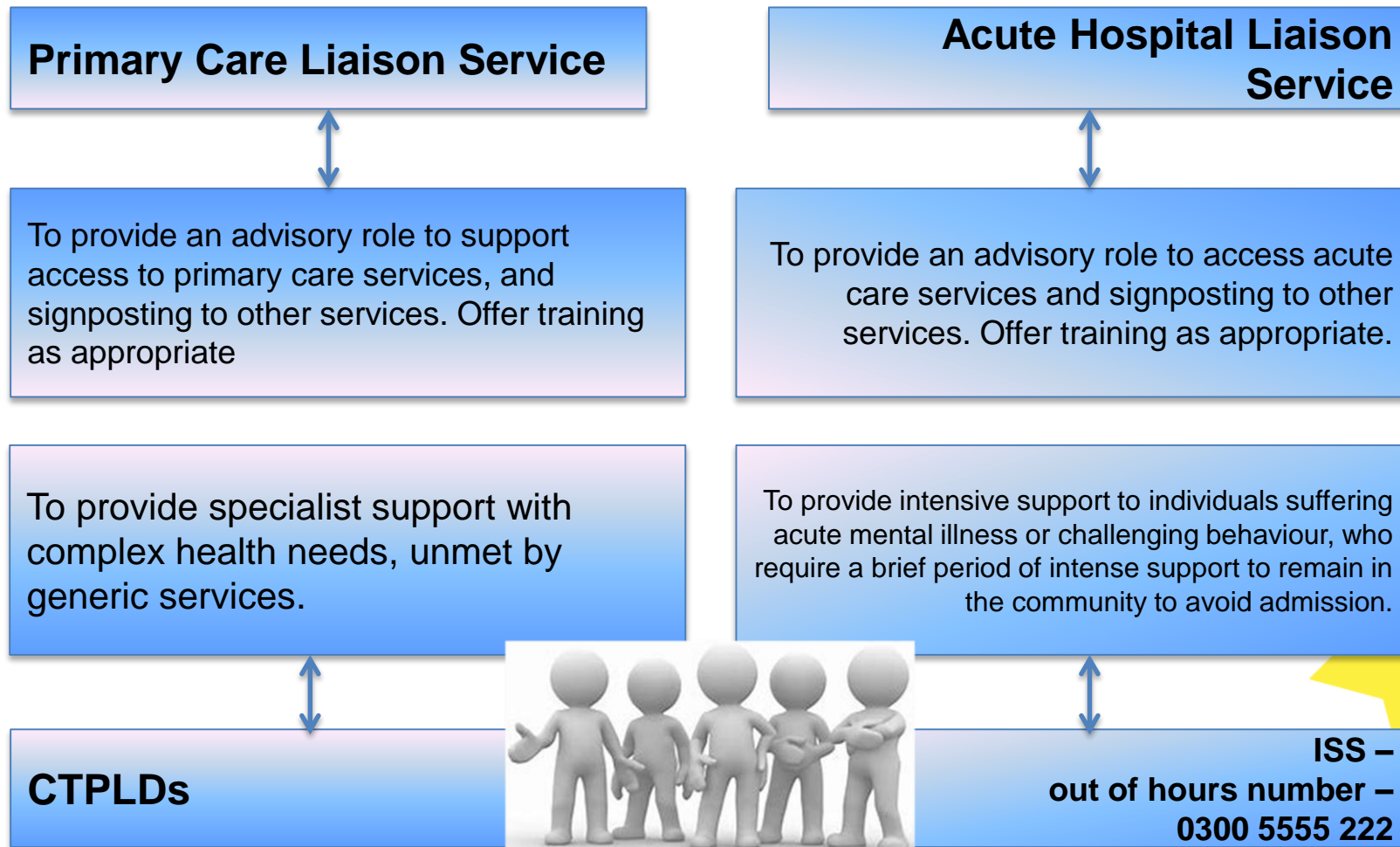
- Reasonable adjustments are what is reasonable to your service.
- Requests made may not be realistic or appropriate.
- Be flexible but be realistic.
- You will have to weigh up what you can provide at the time of the request. You may not be able to provide something that you have done before, which is fine if you can justify that.

# Case Study

- ▶ Young lady (P) of 23 who found a lump in her breast.
- ▶ Diagnosed with cancer late/end stage when diagnosed.
- ▶ Given 2 weeks to live, father wished not to tell her.
- ▶ Professionals involved followed family's wishes.
- ▶ MCA considered but not followed – straight to best interests.
- ▶ Capacity assessment highlighted P had capacity
- ▶ P was informed of her diagnosis and prognosis and was able to make an informed decision about her remaining days.



# Learning Disability Service Provision



# Discussion

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**Thank you for Listening!**  
**Any Questions?**

