

Anti-Poverty Spotlight: People with Learning Disabilities

How does poverty impact people with learning disabilities?

As part of our anti-poverty campaign, the British Association of Social Workers (BASW) will be focusing on a different part of social work practice and the impact of poverty.

1. Background

- There are 1.5 million people with a learning disability in the UK.¹
- The United Nations Convention on the Rights of Persons with Disabilities said that people with a learning disability have a fundamental right to full and active participation and inclusion in society (United Nations, 2006).
- People with a learning disability may be faced with a lack of equal opportunities for healthcare, housing, education, employment and social pursuits.
- People with a learning disability are likely to be at higher risk of the potential health risks and consequences of cold weather and fuel poverty than the general population (Snell *et al* 2016).²³

2. What legislation covers people with learning disabilities?

There are several key pieces of legislation that are relevant to children and adults with learning disabilities:

UK-wide:

- Human Rights Act 1998, which includes fundamental rights that impact directly on service provision in the health and social care sector.
- Equality Act 2010 which guides anti-discriminatory practice which is fundamental to the ethical basis of care provision.
- UN Convention on the Rights of Persons with Disabilities (2006) the first international, legally binding instrument setting minimum standards for rights of people with disabilities, and the first human rights convention to which the EU became a party.

¹ <https://www.mencap.org.uk/learning-disability-explained/research-and-statistics/how-common-learning-disability>

² Snell C. Bevan M. Thomson H. (2016) Fuel Poverty and Disabled Adults: the Impact of Policy Change EAGA Charitable Trust On: <https://www.eagacharitabletrust.org/app/uploads/2016/03/yorkunifinalreport.pdf> in Being Warm – Being Happy (BWBH) Understanding Disability, Fuel Poverty and Energy Vulnerability for Adults with a Learning Disability Final Report March 2019
<https://www.shu.ac.uk/centre-regional-economic-social-research/publications/being-warm-being-happy-bwbh>

- In England:

- Mental Capacity Act 2005 - which is to promote and safeguard decision-making within a legal framework, applies to those 16 and over.
- Care Act 2014 - which places a general duty on local authorities to promote the wellbeing of individuals when carrying out care and support functions. The Care Act 2014 strengthens the rights of people with learning disabilities and their family carers. It promotes fairer, more personalised care by shifting the focus of local authorities from providing services for specific groups, to supporting individuals to achieve the outcomes that matter to them.
- Deprivation of Liberty Safeguards 2009- a procedure designed to protect people's rights if the care or treatment received in a hospital or care home means the person is or may become deprived of their liberty, and they lack the mental capacity to consent to those arrangements.
- The Mental Health Act 1983, which was updated in 2007 and covers assessment and treatment in hospital, treatment in the community, and pathways into hospital, which can be civil or criminal. Has no lower age limit
- Children Act 1989 - All disabled children are **children in need under the Children Act 1989**. And section 17(11) says that a child will be considered disabled if: They are blind, deaf or dumb (unable to speak because of a verbal impairment) They suffer from a mental disorder of any kind.
- Children Act 2004
- The Children and social work act 2017 - which was intended to improve support for looked after children and care leavers, promote the welfare and safeguarding of children, and make provisions about the regulation of social workers. The Act sets out corporate parenting principles for the council as a whole to be the best parent it can be to children in its care.
- Special Educational Needs and Disability Act 2016-
- The SEND system supports children and young people with additional needs including those with a learning disability throughout their education.

- In Scotland:

- The Mental Health (Care and Treatment) (Scotland) Act 2003
- Government strategy 2013- The Keys to Life - Improving Quality of Life for People with Learning disabilities
- THE NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978 THE ANNUAL HEALTH CHECKS FOR PEOPLE WITH LEARNING DISABILITIES (SCOTLAND) DIRECTIONS 2022

In Northern Ireland:

- Mental Capacity Act (NI) 2016
- Children's Services Co-Operation Act (NI) 2015

In Wales:

- The Mental Health Act 1983, which was updated in 2007 and covers assessment and treatment in hospital, treatment in the community, and pathways into hospital, which can be civil or criminal

- Mental Capacity Act 2005 - which is to promote and safeguard decision-making within a legal framework
- Deprivation of Liberty Safeguards 2009- a procedure designed to protect people's rights if the care or treatment received in a hospital or care home means the person is or may become deprived of their liberty, and they lack the mental capacity to consent to those arrangements.
- Mental Health (Wales) Measure 2010
- The Mental Health Act 1983 – has no lower age limit
- Mental Capacity Act 2005 – for children over 16 yrs

3. How do social workers work under this legislation on this issue?

- Social workers empower and support people with learning disabilities to pursue their life choices, including everyday decisions – what to eat, wear, where to go – as well as potentially life changing judgements about where they live, relationships, care, education, and health. The current cost of living crisis poses a threat to self-determination, choice and control, hard fought and won rights for people with learning disabilities.
- Social workers should be alert to the signs of poverty and ask questions as a part of interaction with people about income and expenditure, food, paying bills, how the person is feeling, what they are experiencing, use of foodbanks or if they are making any changes to their support because of a low income including missing or not getting to health appointments due to transport costs.
- Explore how poverty is impacting on people in assessments of need, including how opportunities to socialise may be being limited because of the affordability of activities themselves and the additional costs for support and transport and identify the impact of this in terms of loneliness and wellbeing in relation to the Care Act (2014).
- Support plans should reflect the impact of poverty on eligible needs and the utilise professional judgement to identify the support required to meet eligible needs.
- As part of the identification of need, social workers need to carry out risk assessments, which identify the impact of poverty on individuals including their physical, mental and psychological health, living and support arrangements, support needed to gain employment or explore opportunities for meaningful occupation.
- Issues need to be escalated to managers and senior leaders. There could be an impact on decision-making if people are hungry, cold or isolated. All practical steps should be taken to ensure individuals are supported.
- Have a good up to date working knowledge of resources and services available locally to support people with learning disabilities, which must include information and advice that is accessible e.g. available in Easy Read.

- Develop positive working relationships with other professionals and organisations, utilise social work values and ethics, knowledge and skills to educate and support others. Be part of collective responses to tackling stigma, disadvantage and social exclusion.
- Recognising, highlighting and challenging the entrenched nature of discrimination against people with learning disabilities and the many barriers faced in achieving access to their rights, including the impact of poverty and how this further restricts human rights.
- Legal literacy is key. Understanding the provisions, powers and duties with key legislation such as the Equalities Act and how this applies to both individuals AND Public Bodies. Ensuring people with learning disabilities are supported and their rights upheld through the provision of accessible information and advice and challenging barriers to accessing essential support services.

4. How does poverty affect this issue?

- Understanding that the existing disadvantage people with a learning disability experience is likely to mean that the rising costs of food, fuel, food and other essentials will place them at greater risk of both immediate hardship, reduce opportunities to participate in society and have a detrimental impact on health and wellbeing. ⁴
- People with learning disabilities may struggle to get access to financial services including speaking to their bank or a utility provider. They may find it hard to understand their options and to get advice because they don't know how or where to look for help. They may have difficulties accessing information about where to get help or understanding the information that is available because it is not in an accessible format such as Easy Read. ⁵
- Historically, many people with learning disabilities have been subjected to social exclusion and human rights abuses including in institutions, care services and in the community. This continues to date.
- In a climate of limited and finite resources there is an increased risk of restrictive options being considered in multidisciplinary systems of care. Social workers need to use their professional power

⁴ <https://www.local.gov.uk/our-support/partners-care-and-health/autistic-people-and-people-learning-disability/cost-living-and#:~:text=The%20existing%20disadvantage%20people%20with,and%20reduced%20opportunity%20and%20wellbeing.>

⁵ <https://www.local.gov.uk/our-support/partners-care-and-health/autistic-people-and-people-learning-disability/cost-living-and#:~:text=The%20existing%20disadvantage%20people%20with,and%20reduced%20opportunity%20and%20wellbeing.>

and authority to prevent and challenge the use of institutional care and/or restrictive practice which result in the dehumanisation of people with learning disabilities.

- Research pre-dating that of Snell (referenced in this fact sheet) which considers the impact of fuel poverty on people with learning disabilities is limited. This is unsurprising. Much of the media coverage and reporting looks at the impact of poverty on disabled people as a homogenous group. Whilst this is useful in drawing attention to the issues, this approach fails to understand or report the unique challenges facing people with learning disabilities in relation to poverty and the current cost of living crisis.
- The cost of essential goods and services, such as heating, insurance and different therapies have increased, and so has spending to pay for extra support, home adaptations or for additional energy to power essential items such as wheelchairs or those that meet sensory needs. These extra costs mean people with learning disabilities have less money than non-disabled people, or that they go without essentials altogether.

5. Key statistics

- People with a learning disability pay for more things like transport, medication and energy. According to a report by charity SCOPE in 2019,⁶ it was estimated at that time an extra £583 more than someone without a disability. The cost of living crisis is likely to have increased this amount significantly, further disadvantaging people with a learning disability.
- Only 25% of learning disabled people are in work. The employment rate for people with a learning disability is the lowest of any disability or health condition. **Department of Work and Pensions, 2021**⁷
- On average, the life expectancy of women with a learning disability is **18 years shorter** than for women in the general population. The life expectancy of men with a learning disability is **14 years shorter** than for men in the general population (NHS Digital 2017).⁸
- IHE Director, Professor Sir Michael Marmot, stated in relation to the findings on life expectancy: "This is a direct result of a political choice that destines this vulnerable group to experience some of

⁶ Scope, 2019 ([Disability Price Tag report](#))

⁷ [The Employment of Disabled People 2021](#)

⁸ <https://digital.nhs.uk/data-and-information/publications/statistical/health-and-care-of-people-with-learning-disabilities/health-and-care-of-people-with-learning-disabilities-experimental-statistics-2016-to-2017#:~:text=On%20average%2C%20females%20with%20learning,expectancy%20than%20the%20general%20population.>

the worst of what society has to offer: low incomes, no work, poor housing, social isolation and loneliness, bullying and abuse.”⁹

- A report by NHS Providers published in September 2022¹⁰, highlighted Trust leaders concerns about people with learning disabilities, who already face unfair differences in health outcomes enduring the greatest impact from the rising cost of living. This is linked to living in poorly insulated housing or the need to maintain a higher temperature at home due to health conditions.
- New analysis published in November 2022 by the Trades Union Congress shows that non-disabled workers now earn a sixth (17.2 per cent) more than disabled workers. The analysis found that the pay gap for disabled workers is currently at £2.05 an hour – or £3,731 per year for someone working a 35-hour week.

6. Key Messages from people with learning disabilities

The following statements capture the views of people with learning disabilities shared at Lewisham People’s Parliament meeting on 15.12.22¹¹

People with learning disabilities had lots to say about the cost of living. Some of the main themes of the discussions were:

- Disabled people are at a disadvantage due to low employment opportunities and the extra costs that some face, including many paying towards the care and support they receive.
- The Government need to do more, both the make sure that benefits rise in line with costs and to properly fund health and social care services.
- There is a concern that a rise in crime due to the cost of living crisis will mean that people with learning disabilities are more often targeted and will be more isolated as a result of this fear.
- People with learning disabilities find it hard to understand a lot of the information around the cost of living. More Easy Read information helps, but people also need support to understand and act on information, even if it is in an Easy Read format.

7. Additional Resources

⁹ <https://www.ucl.ac.uk/news/2018/nov/are-we-failing-people-learning-disabilities>

¹⁰ <https://nhsproviders.org/rising-living-costs-the-impact-on-nhs-staff-and-patients/the-cost-of-living-and-peoples-health>

¹¹ <https://www.learningdisabilityengland.org.uk/wp-content/uploads/2023/01/Lewisham-Peoples-Parliament-report-on-Cost-of-Living-December-2022.pdf>

Learning Disability England has been running a [cost of living hub](#) since last autumn. There is information on resources, campaigns, advice on staying warm & financial help in there.

Information from self advocacy groups including the Lewisham People's Parliament [report on their meeting on cost of living impact in December 2022](#)

Details of a session with Learning Disability England, Community Integrated Care, Citizens Advice Bureau and Association for Real Change called '[Every Penny Counts](#)'