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Mencap NI Policy Briefing – Priority Issues

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Introduction

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. There are an estimated 42,000 people in Northern Ireland with a learning disability. Mencap NI is the leading voice of learning disability in the UK. Our vision is a world where people with a learning disability are valued equally, listened to and included. In Northern Ireland, our current **priority issues** include:

1. Sleep-Ins

Across the UK, Mencap provides a range of support and care to adults with a learning disability to enable them to live independently. For some adults this includes ‘sleep-in’ staff who are on call at night in case of an emergency and are generally able to sleep through the night. Employment tribunals and a recent change to policy and guidance requires providers to apply the National Living Wage (NLW) to sleep-in shifts in their entirety – not just when staff are awake. Since April 2017, Mencap has paid the NLW for sleep-ins.

Back-pay: HMRC are indicating that providers must back-pay all relevant ‘sleep-in’ staff, potentially going back up to a period of **six years**, and costing around £400million. The impact of retrospective payments presents a significant financial challenge to organisations who adhered to the regulations in place at the time; and has the potential to undermine vital services for people with a learning disability.

- **The UK government should publicly undertake to fund the back pay for the historical liabilities on sleep-in shifts.**

Increased costs: We expect sleep-in shifts to increase costs across the sector in the UK by over 4% every year, adding over £600 million to the wage budget by 2020. Mencap is currently funding the additional costs of the higher rate for sleep-ins in Northern Ireland since April 2017.

- **A clear framework should be set out in Northern Ireland for how the increased costs of sleep-in shifts will be funded.**

2. Early Intervention

Children with a learning disability are more likely to have poor educational attainment, fewer friends and less social support, physical and mental health difficulties, and to grow up in poverty. However, access to high quality, early support is more limited for children with learning disabilities and their families; and they are generally under-represented in early intervention policy.

- **Every child with a learning disability should have access to early intervention services that support their development from birth.**
- **Families of children with a learning disability should have access to family support services in every Health and Social Care Trust.**
- **An indicator should be added to the draft NI Programme for Government that specifically focuses on the needs of children with a disability and their families; and within this, children with a learning disability should be clearly identified.**
- **Implementation of the Children and Young People's Strategy 2017-2027 should include a specific focus on achieving outcomes for children and young people with a learning disability.**
- **Young children with a learning disability and their families should be identified as a priority group in key policy areas relating to adverse childhood experiences, infant mental health, child poverty, and family support.**
- **A review should be undertaken of how well services are meeting the needs of children with a learning disability and their families. It should identify where the gaps are, what impact current provision is having on children's outcomes, and which interventions are most effective.**
- **Staff across early years services should have the support, training and supervision needed to ensure they are equipped with the necessary skills and competencies to work with children who have a learning disability; including those with challenging behaviours.**

3. Education

Children and young people with a learning disability may also have special educational needs (SEN) which can affect their ability to learn, and they may require extra help to achieve their potential at school. A SEN Statement sets out any additional support that a child should receive in school to enable them to make progress. Most recently in Northern Ireland, 79% of new SEN statements were issued outside the statutory 26-week time limit.



- **A clear pathway for the SEN statementing process needs to be widely promoted; and a review undertaken to resolve the significant delays in issuing statements.**
- **The serious underfunding in special needs education needs to be addressed, and specific investment made in specialist early intervention.**
- **An up-to-date evaluation of SEN provision in mainstream and special schools is critical in order to improve quality, effectiveness and overall outcomes.**

4. Employment

Young people with a learning disability are more likely not to be in education, employment or training (NEET). In Northern Ireland, the European Social Fund (ESF) provides skills development, training and employment opportunities for young people most at risk of becoming NEET. It is likely that the UK's withdrawal from the EU will lead to the loss of vital European structural funding when the current round of funding ends in 2020, including ESF.

- **As a matter of priority, the NI Executive needs to set out a clear plan regarding future funding for interventions currently delivered through the European Social Fund following the UK's exit from the EU.**

5. Social Inclusion

Older people with a learning disability experience many health and social inequalities which make it particularly difficult for them to participate in community life. Reduced social networks put them at greater risk of social isolation, exclusion, depression and ill-health.

- **Older people with a learning disability should be identified as a priority group in policy development relating to social inclusion and emotional well-being.**
- **More investment is needed on local initiatives which help prevent isolation and loneliness amongst older people with a learning disability by supporting them to develop social networks and access community activities.**
- **Local agencies should be supported through the Community Planning process to work together to share learning and adopt strategies and interventions that effectively tackle isolation amongst older people with a learning disability.**



6. Mental Health and Learning Disability

Approximately 40% of adults with a learning disability also have a mental health problem, which is more than double the prevalence rate in the general population. Children with a learning disability constitute one in seven of all children with diagnosable mental health problems in the UK. The four main risk factors in relation to why people with a learning disability are more likely to experience poor mental health are:

1. **Biology and genetics** - a learning disability is caused by the way the brain develops and may increase vulnerability to mental health problems.
2. **Physical health problems** - often experienced by people with a learning disability, this can cause long-term pain, which may lead to distress, irritability and anger - especially if not properly treated.
3. **Adverse life events** - people with a learning disability are more likely to experience deprivation, poverty and other adversities earlier on in life.
4. **Access to fewer resources and coping skills** - people with a learning disability are less likely to have the necessary skills for coping with potentially challenging events, such as transitioning from school or moving house.

Social support is an established protecting factor for mental health problems, and loneliness a precursor to various psychological difficulties. People with a learning disability often have smaller social networks and/or fewer opportunities for creating friendships.

- **An independent review should be undertaken of how well mental health services are meeting the needs of individuals with a learning disability.**
- **Mental health policy and practice development should identify as a priority group the disproportionate population of individuals with a learning disability who also experience mental health issues, and ensure there are distinct pathways to accessible service provision.**
- **All mental health professionals should have comprehensive training in learning disability awareness.**

Finally, access to mental health services is increasingly difficult for children and adults with a learning disability. Diagnostic overshadowing is problematic, whereby healthcare professionals attribute challenging behaviour to a person's learning disability instead of their mental health.

