

[AS INTRODUCED]

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TO

Make provision for a review of access for people with learning disabilities to healthcare and other services; to make provision for a review of the provision of learning disability services across government; to make associated provision for the reform of such services; to provide a statutory code of practice on the public sector equality duty for public bodies for matters relating to learning disabilities; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Public consultation on access to services for adults with learning disabilities

- (1) The Secretary of State must undertake a public consultation (“the public consultation”) to review access to services in England for adults with learning disabilities, their families and carers who meet the criteria for a needs assessment under section 9 of the Care Act 2014 (assessment of an adult’s needs for care and support) or for an education, health and care plan under section 36 of the Children and Families Act 2014 (assessment of education, health and care needs). 5
- (2) The public consultation must review the adequacy, quality, extent and accessibility of the provision of services for children and adults with a learning disability. 10
- (3) The public consultation must also review the provision of physical and mental health services for adults referred to in subsection (1) and the extent to which—
 - (a) local authorities and NHS bodies are meeting the public sector equality duty and providing specialist training on delivering services to adults with learning disabilities; 15
 - (b) local authorities and NHS bodies are undertaking to address health inequalities faced by adults with a learning disability;
 - (c) progress is being made by local authorities and NHS bodies to meet the objectives of the Building the Right Support programme; and 20
 - (d) the provision of learning disability nurses meets demand.

- (4) The public consultation must consider whether local authorities are meeting the responsibilities under sections 1 to 9 of the Care Act 2014, and if not, how this should be addressed.
- (5) The public consultation must consider whether local authorities are meeting the responsibilities under the Children and Families Act 2014, and if not, how this should be addressed. 5
- (6) The public consultation must also consider the accessibility and adequacy of government services for adults with a learning disability and in particular communications, website design and forms, and whether these meet the public sector equality duty. 10
- (7) The public consultation must consider the impact of the COVID-19 pandemic on the provision of services for adults with a learning disability and the extent to which—
- (a) powers under the Coronavirus Act 2020, in particular section 15 (local authority care and support), have impacted access to services for children and adults with a learning disability; 15
 - (b) departments, local authorities and NHS bodies met the public sector equality duty ; and
 - (c) any failings under subsections (a) and (b) contributed to excess deaths from COVID-19. 20
- (8) The public consultation must also consider whether to provide for a statutory code of practice on the public sector equality duty for public bodies for matters relating to learning disabilities.
- (9) In undertaking the public consultation, the Secretary of State may consult such persons and bodies as the Secretary of State thinks fit. 25
- (10) The Secretary of State must appoint a person or persons with learning disabilities to co-chair the public consultation.
- (11) The Secretary of State must publish a report outlining the findings of the public consultation and the Government’s proposals for any consequent improvements in the provision of services within the period of six months beginning with the day on which this Act comes into force. 30
- (12) The Secretary of State must lay a copy of the report under subsection (11) before both Houses of Parliament.

2 Interpretation

- In this Act— 35
- “adult” means an individual aged 18 or over;
 - “carer” has the same meaning as in section 10 of the Care Act 2014 (assessment of a carer’s need for support);
 - “child” means an individual aged 17 or below;
 - “education, health and care plan” has the same meaning as in section 37 of the Children and Families Act 2014 (education, health and care plans); 40

“learning disability” means a disability which includes the presence of a significantly reduced ability to understand new or complex information or to learn new skills, with a reduced ability to cope independently, which started before adulthood, with a lasting effect on development;

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“local authority” means the council of a district, county or London borough and the Common Council of the City of London;

“NHS body” has the same meaning as in section 6 of the Care Act 2014 (cooperating generally);

“public sector equality duty” means the public sector equality duty under section 1 of the Equality Act 2010 (public sector duty regarding socio-economic inequalities).

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3 Extent, commencement and short title

(1) This Act extends to England and Wales only; and the provisions of all, or part, of this Act apply to Wales only if regulations so providing have been laid in draft before Senedd Cymru, approved by a resolution of the Senedd and made by the Welsh Ministers by statutory instrument.

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(2) This Act comes into force on the day on which it is passed.

(3) This Act may be cited as the Learning Disabilities (Access to Services) Act 2022.

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Lord Wigley

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