



Helen Whately
Minister for Social Care
Department of Health and Social Care
40 Victoria Street
London, SW1H 0EU

5th May 2020

Dear Helen,

I know that the Government as a whole and you personally are working hard to deal with the Covid-19 pandemic and I want to thank you for the regular briefings you have provided me with since I became the Shadow Minister for Social Care.

As you know, I want to be constructive and offer solutions to the problems we face wherever possible. That is why I am writing to you about two issues which I believe require further attention: the impact of Covid-19 on people with learning disabilities and ensuring openness and transparency about local council 'easements' to the 2014 Care Act.

1. Impact of COVID-19 on people with learning disabilities

There is long established evidence that people with learning disabilities die prematurely, often from preventable causes, and have worse health outcomes than the rest of the population. Reviews published over the past decade have repeatedly shown that the failure of health services to meet the needs of people with learning disabilities – and make reasonable adjustments to prevent them from being at a disadvantage – contribute to the unacceptable health inequalities they experience.

It is therefore essential that the Department of Health and Social Care does everything possible to minimise the impact of Covid-19 on people with learning disabilities. The first step towards achieving this is publishing regular data on the number of people with learning disabilities who have been infected with and died from the virus.

The Government should immediately and regularly release the summaries of notifications of deaths to the Learning Disabilities Mortality Review (LeDeR) programme, with both COVID and other causes analysed. This could start now, with retrospective analyses from the start of the pandemic. I understand the overall NHS England and NHS Improvement reporting of COVID deaths of people in acute hospitals can also be broken down to identify people with a learning disability. This information should – again - be released immediately and regularly, and include retrospective analysis.

As well as publishing data that is immediately available, the government should also seek to better understand the impact of COVID-19 on people with learning disabilities and autistic people in specialist and mainstream mental health inpatient units. For example, commissioners regularly report information (including the number of deaths) for the Assuring Transformation dataset and NHS Digital uses the Mental Health Services Dataset to extract information on people with learning disabilities and autistic people in both specialist and mainstream mental health inpatient units.

Finally, the Office for National Statistics is publishing comprehensive data on death rates from COVID-19 (including outside hospitals) and the Care Quality Commission is publishing data on death rates from all registered social care providers and in services where people are detained under the Mental Health Act. The Government could ask both the ONS and CQC to disaggregate this data by disability and other protected characteristics.

Taken together, these steps would help improve our understanding of the impact of COVID-19 on people with learning disabilities and inform action from the NHS and social care to ensure they are not disproportionately affected.

2. Care Act Easements

A number of organisations that represent care users, and individual disabled people, have contacted me to raise serious concerns about local authorities introducing 'easements' to the 2014 Care Act. People are understandably worried that these easements may be leaving people without a proper assessment of their needs, with reductions in their care packages, and denying them choice and control.

I am sure you will agree that there must be complete openness and transparency about any Care Act easements, the rationale for decisions, and the impact on care users and families. I would therefore be grateful if you could let me know whether your Department has looked into this issue, assessed what further support councils need to fulfil their Care Act obligations, and publish this information as soon as possible.

As ever, thank you for your attention. I look forward to hearing from you soon.

Yours sincerely,

A handwritten signature in black ink that reads "Liz Kendall". The signature is written in a cursive, flowing style.

Liz Kendall
Labour MP for Leicester West and Shadow Minister for Social Care