

*From the Office of Sir David Nicholson KCB CBE
Chief Executive of the NHS in England*

TO:

All Chief Executives in NHS Trusts in England
All Chief Executives in NHS Foundation Trusts in
England
All Chief Executives in Primary Care Trusts in
England
All Chief Executives in Strategic Health
Authorities in England
All Chief Executives of Independent Providers

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CC:

All Chairs of NHS organisations in England
All Chief Executives of Local Authorities in
England
Monitor
Care Quality Commission
Local Government Association

Gateway ref: 14769

14 October 2010

Dear colleague,

Publication of 'Six Lives' progress report

In March 2009 the Parliamentary and Health Service Ombudsman and Local Government Ombudsman published 'Six Lives: The provision of public services to people with learning disabilities', an investigation into the deaths of six people with learning disabilities who were in the care of the NHS. Their report contained serious criticism of the way public services responded to the needs of people with learning disabilities:

'The investigation reports...show the devastating impact of organisation behaviour which does not adapt to individual needs, or even consistently follow procedures designed to maintain a basic quality of service for everyone. They identify a lack of leadership and a failure to understand the law in relation to disability discrimination and human rights. This led to situations in which people with learning disabilities were treated less favourably than others, resulting in prolonged suffering and inappropriate care' ('Six Lives')

'Six Lives' included a series of recommendations, one of which was for the Department of Health to support implementation and publish a progress report outlining what had been done. This progress report was published today. I would like to thank colleagues whose support in sharing information enabled us to assess

where we are. You can read the full report on the DH website at http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_120251

This report recognises that much work has been done in some organisations to improve health care for people with learning disabilities, and progress has been made, but good work is not embedded everywhere and serious concerns remain.

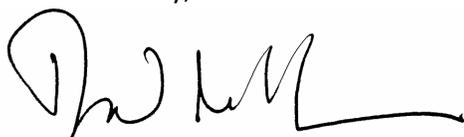
These concerns particularly centre on how far the law is being followed in terms of:

- making 'reasonable adjustments' in line with the Disability Discrimination Act 2005 and now the Equality Act 2010
- assessing capacity, gaining consent and best interest decision making in line with the Mental Capacity Act 2006

As set out in my letter of 29 June 2009¹ and 13 July 2010², it is essential for the NHS to make reasonable adjustments for people with learning disabilities and ensure they are following correct processes for people who may lack the capacity to make particular decisions about their care and treatment

I would like to ask all Boards to assure themselves that their staff are following the law in these areas with all those in their care. I would also ask Boards to consider how to maintain progress in improving the health care of people with learning disabilities. If we ensure our services are getting it right for people with learning disabilities, they will have the patient-centred approach that will improve care and treatment for all.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D Nicholson', with a long horizontal line extending to the right.

Sir David Nicholson KCB CBE
NHS Chief Executive

¹http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_086604.pdf

²http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Dearcolleagueletters/DH_117412