

Mental Capacity Act

SSAB Conference 1st May 2019

Chris Hamilton, MCA and DoLS Service Manager, SCC

MCA resources on SSAB website

- What's there already?
- How you can help

MCA resources

- For workers in SCC and NHS organisations
- For care providers
- For members of the public
- https://ssab.safeguardingsomerset.org.uk/mca_intro/

Putting the Mental Capacity Act into Practice

In this section

[Introduction](#)

[The MCA](#)

[DoLS](#)

Introduction

These pages have been created to provide a starting point for individuals and organisations across Somerset who wish to understand their responsibilities in relation to people who may lack mental capacity to make decisions for themselves.

The pages contain some guidance documents produced by County Council and NHS organisations in Somerset, as well as a number of links to documents produced nationally, either by government or by other local authorities or charities.

Some items are shared with professionals in mind but others are aimed at members of the public who wish to understand this area better. There are a number of links to documents in easy read formats.



The Mental Capacity Act: an animated guide by Infodeo.



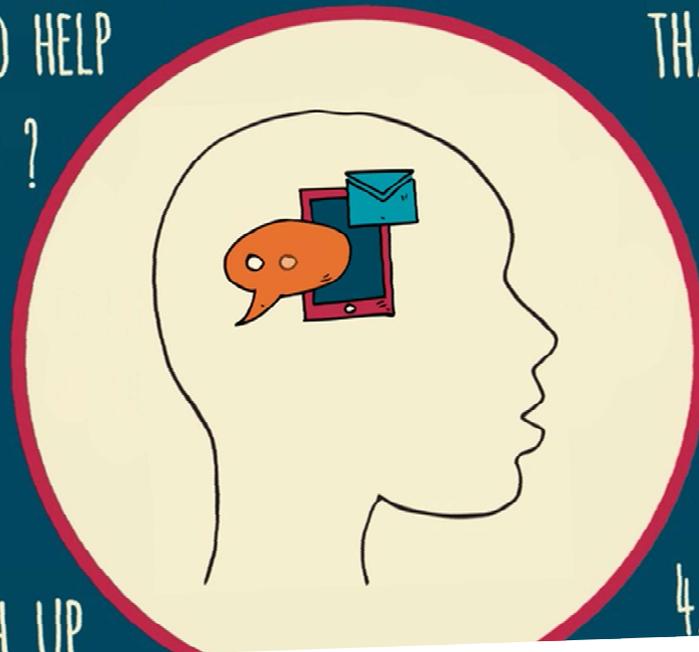
Watch later



Share

1. CAN THEY UNDERSTAND
THE INFORMATION TO HELP
MAKE THAT DECISION ?

2. CAN THEY RETAIN
THAT INFORMATION ?



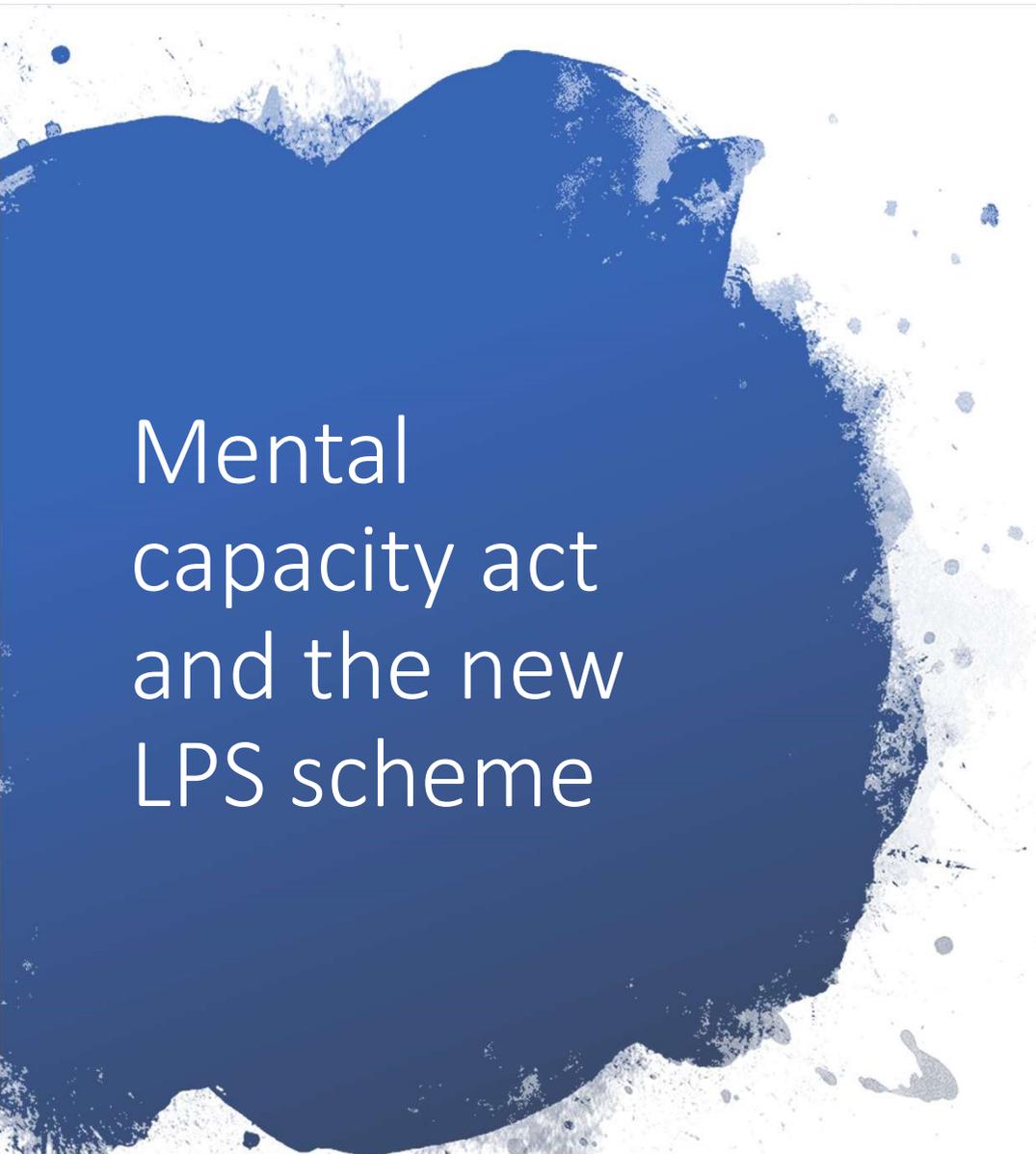
3. CAN THEY WEIGH UP

4. CAN THEY COMMUNICATE

What we plan to add

- Liberty Protection Safeguards information – May 2019
- Revised MCA Code of Practice when published
- More information about supported decision-making

Please continue to let us know about any useful documents you come across



Mental capacity act and the new LPS scheme

One of the aims for the new legislation is to further improve how the MCA is used by staff in:

- Social work teams
- Care provider organisations
- Hospitals
- Primary care settings

Nationally it is recognised that the Act is applied inconsistently

Evidence

- Authorisation under LPS will be based upon evidence generated in other formal care and treatment planning processes
- The legislation **does not** include any specific assessor roles
- All professionals involved in decision-making for people who may lack capacity will need to be confident about assessing capacity and making best interests decisions – and documenting this well
- **A challenge?**

Back to a basic principle

We can only make a decision on behalf of another person if

- a) they agree we should do this, or**
- b) we have a reason to believe they lack mental capacity and we are proposing to act in their best interests**

'Reason' means some kind of evidence



Informal and formal assessment

**When is it ok to rely upon a
'reasonable belief'?**

**When do we need to formalise an
assessment?**

Don't do a formal capacity assessment
and best interests decision document
every time you brush someone's teeth!

But if a decision is being made about
where they live...

Or to give them medication without
their co-operation...

Or to limit their contact with a
relative...

What formal processes?

- Care Act assessments and care planning by the local authority
- Carrying out an admission assessment for a care home placement
- Deciding about providing medical treatment
- Safeguarding enquiries

All contain 'consent' issues

In all of these processes it is necessary to be clear about a person's mental capacity to give consent and about their best interests if they lack it.

This is the only basis upon which we can act!

So, how good is our evidence?

Questions

