

# **Somerset Mental Capacity Act Competency Framework July 2018**

**This framework document has been developed by the Somerset Safeguarding Adults Board for use by any organisation in Somerset whose staff have contact with people who may lack mental capacity. It outlines the knowledge and skills required by staff with varying levels of responsibility and can be used to identify training and development needs and to evaluate the relevance and effectiveness of training materials and programmes. Use of the framework is entirely voluntary and is not prescriptive.**

**It should be used in conjunction with the Code of Practice to the Act**

The following is a suggestion for how the framework might be used:

1. Identify which staff roles in your organisation fit into which levels of the framework
2. Identify what indicators of good MCA practice in your organisation would look like at each level
3. Audit the skills and knowledge of those staff against the relevant indicators to identify strengths and gaps
4. Combine the training needs of staff in the organisation into a development and training plan
5. Identify potential materials and methods for meeting these needs and record in the right-hand column
6. Monitor the outcomes of the training against the competency indicators

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This document has been completed by: [name of organization]		Date:	
<b>Level one</b>			
Roles	Core Skills and Knowledge	Competency Required	Learning opportunities to be offered in this organisation
<p><b>Staff whose role may involve direct or indirect contact with people whose capacity to make decisions may be impaired but who do not have an involvement in actual decision-making.</b></p> <p>In this organization the following job roles are at this level:</p>	<p>Understanding what it means to have or to lack mental capacity</p> <p>Having an awareness of how this affects those people using the service</p> <p>Understand that the Act aims to protect the rights of people with impaired capacity</p>	<p>Able to adopt an appropriate communication style with users of the service</p>	

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<b>Level two</b>			
<b>Roles</b>	<b>Core Skills and Knowledge</b>	<b>Competency Required</b>	<b>Learning opportunities to be offered in this organisation</b>
<p><b>Staff who get involved in making day to day decisions about care or treatment for people who lack mental capacity such as choice of clothing, food and carrying out activities noted on the care plan.</b></p> <p>In this organization the following job roles are at this level:</p>	<ul style="list-style-type: none"> <li>• An understanding of the 5 guiding principles of the Act</li> <li>• How to assist a person to make day to day decisions</li> <li>• Know when and where to record such decisions</li> <li>• Understand what the Act means by the terms 'mental capacity' and 'best interests'</li> <li>• Recognise when a formal assessment of capacity is needed and identify who the decision maker should be</li> <li>• An awareness of Lasting Powers of Attorney</li> <li>• A basic understanding of the concept of deprivation of liberty and when it might be used</li> </ul>	<p>Be able to support service users and patients to make day to day decisions within the framework set by the MCA</p> <ul style="list-style-type: none"> <li>• Be able to explain their reasonable belief that someone lacks capacity</li> <li>• Be able to explain how they show that actions are in the persons best interests</li> <li>• To have a range of good communication skills</li> <li>• Know when and where to record such decisions</li> <li>• Recognise when a formal assessment of capacity is needed and know who is the decision maker</li> </ul>	

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<b>Level three</b>			
<b>Roles</b>	<b>Core Skills and Knowledge</b>	<b>Competency Required</b>	<b>Learning opportunities to be offered in this organisation</b>
<p><b>Staff involved in more complex decisions such as consent to medication, a new type of care or care package or any new significant decision</b></p> <p><b>Supervision of staff at lower levels</b></p> <p>In this organization the following job roles are at this level:</p>	<p>An understanding of the 5 guiding principles</p> <ul style="list-style-type: none"> <li>• An understanding of the framework set by the MCA for decision making</li> <li>• Knowledge of the necessary steps to support service users and patients to make decisions such as accepting a new or revised care package, consenting to or knowing how to use medication, take part in a planned programme of physiotherapy or occupational therapy within the framework set out by the MCA</li> <li>• Understand what a 2 stage assessment of capacity is</li> <li>• Know how to make a best interests decision</li> </ul>	<ul style="list-style-type: none"> <li>• Ability to support service users and patients through an assessment process or enable them to participate in treatment decisions within the framework set out by the MCA</li> <li>• To have a range of good communication skills</li> <li>• Ability to carry out a formal assessment of capacity</li> <li>• Ability to make a formal best interests decision</li> <li>• Know when and where to record such decisions</li> <li>• Recognise when a formal assessment of capacity for a more complex decision is needed</li> <li>• Know when further advice should be sought such as regarding application to the</li> </ul>	

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	<ul style="list-style-type: none"> <li>• To know when and where to record such decisions</li> <li>• To recognise when a formal assessment of capacity for a more complex decision is needed</li> <li>• To know when further advice should be sought such as regarding application to the Court of Protection</li> <li>• To have a working knowledge of the roles of attorneys, deputies and IMCAs</li> <li>• To understand the implications of advance decisions</li> <li>• To identify the links between mental capacity and the protection of adults at risk of abuse.</li> <li>• To understand the difference between treatment under the Mental Health Act and treatment under the MCA</li> </ul>	<p style="text-align: center;">Court of Protection</p> <ul style="list-style-type: none"> <li>• Have a working knowledge of the roles of attorneys, deputies and IMCAs</li> <li>• Be able to demonstrate an understanding of advance decisions</li> <li>• Be able to assess whether an advance decision is valid and applicable</li> <li>• Apply a working knowledge of the deprivation of liberty safeguards</li> <li>• Understand how to make a request for a standard or complete an urgent authorisation (this specifically for inpatient staff)</li> <li>• Make a DoLS referral when needed</li> <li>• Understand the implications of conditions set within a DoLS authorisation</li> <li>• Be able to make appropriate safeguarding referrals and explain the offences of ill treatment and willful neglect.</li> </ul>	
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<b>Level four</b>			
<b>Roles</b>	<b>Core Skills and Knowledge</b>	<b>Competency Required</b>	<b>Learning opportunities to be offered in this organisation</b>
<p><b>Staff involved in serious decisions such as consent to treatment, a decision to stay or move home, hospital discharge, financial and safeguarding.</b></p> <p><b>Supervision of staff at level 3</b></p> <p>In this organization the following job roles are at this level:</p>	<p>An understanding of the 5 guiding principles</p> <ul style="list-style-type: none"> <li>• An understanding of the framework set by the MCA for decision making</li> <li>• Knowledge of the necessary steps to support service users and patients to make complex decisions such as consent to treatment, end of life decisions, a decision to stay or move home, hospital discharge, financial and safeguarding decisions within the framework of the MCA</li> <li>• Understand what a 2 stage assessment of capacity is</li> <li>• Know how to make a best interests decision</li> <li>• Have the necessary skills to Chair a MD best interests</li> </ul>	<p>Ability to support service users and patients to make complex decisions such as consent to treatment, end of life decisions, a decision to stay or move home, hospital discharge, financial and safeguarding decisions within the framework of the MCA</p> <ul style="list-style-type: none"> <li>• Demonstrate the ability to carry out a formal two stage assessment of capacity</li> <li>• To have a range of good communication skills</li> <li>• Make best interests decisions and where necessary to Chair a MD meeting</li> <li>• Know when, where and how to record such decisions</li> <li>• Know when and how to</li> </ul>	

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	<p>Meeting</p> <ul style="list-style-type: none"> <li>• Know when, where and how to record such decisions</li> <li>• Know when and how to involve an IMCA</li> <li>• Know when an advance decision is valid and applicable including for decisions to refuse life sustaining treatment</li> <li>• Know when further advice should be sought such as regarding application to the Court of Protection</li> <li>• Understand the roles of attorneys and deputies</li> <li>• To identify the links between mental capacity and the protection of adults at risk of abuse</li> <li>• Understand the concept of deprivation of liberty</li> <li>• Understand how to make a request for a standard or complete an urgent authorisation</li> <li>• Know how to make appropriate referrals if an unauthorised deprivation of</li> </ul>	<p>involve an IMCA</p> <ul style="list-style-type: none"> <li>• Be able to assess whether an advance decision is valid and applicable including life sustaining treatment decisions</li> <li>• Know when further advice should be sought such as regarding application to the Court of Protection</li> <li>• Have a working knowledge of the roles of attorneys and deputies</li> <li>• Understand and be able to apply the legal hierarchy for decision making</li> <li>• Demonstrate their understanding of the concept of deprivation of liberty</li> <li>• Apply a working knowledge of the deprivation of liberty safeguards</li> <li>• Understand how to make a request for a standard or complete an urgent authorisation</li> <li>• Make appropriate referrals if an unauthorised</li> </ul>	
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	<p>liberty is suspected</p> <ul style="list-style-type: none"><li>• Understand the implications of conditions set within an authorisation</li></ul>	<p>deprivation of liberty is discovered or suspected</p> <ul style="list-style-type: none"><li>• Understand the implications of conditions set within an authorisation</li><li>• Be able to make appropriate safeguarding referrals and explain the offences of ill treatment and willful neglect</li></ul>	
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<b>Level five</b>			
<b>Roles</b>	<b>Core Skills and Knowledge</b>	<b>Competency Required</b>	<b>Learning opportunities to be offered in this organisation</b>
<p><b>Staff who are responsible for:</b></p> <ul style="list-style-type: none"> <li>• <b>commissioning of care services;</b></li> <li>• <b>professional development of staff across the organization;</b></li> <li>• <b>supervision of staff at level 4 above;</b></li> <li>• <b>commissioning of training;</b></li> <li>• <b>providing expert advice</b></li> </ul> <p>In this organization the following job roles are at this level:</p>	<p>All the above plus:            Knowledge of the relevant MCA and DoLS case law            Understanding the MCA responsibilities of staff at lower levels in the organisation</p>	<p>Able to carry out compliance audits and to assess how effectively the organisation's staff use the legislation to promote the rights of vulnerable people</p>	

# **Somerset Mental Capacity Act Competency Framework July 2018**

## **Sources of information and learning materials**

### **The MCA Code of Practice**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/497253/Mental-capacity-act-code-of-practice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497253/Mental-capacity-act-code-of-practice.pdf)

### **Social Care Institute for Excellence (SCIE) free guidance and online training materials**

<https://www.scie.org.uk/mca/>