Somerset Mental Capacity Act Competency

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**The Five Statutory Principles**

1. A person must be assumed to have capacity unless it is established that they lack capacity.

2. A person is not to be treated as unable to make a decision, unless all practicable steps to help them to do so have been taken without success.

3. A person is not to be treated as unable to make a decision merely because they make an unwise decision.

4. An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests.

5. Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

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**Introduction**

This Mental Capacity Act competency framework has been developed for use by any organisation in Somerset whose staff have contact with people that may lack capacity.

Each professional competency standard within this framework refers to a combination of skills, knowledge and experience expected of individual staff, with links to available training resources. It outlines the knowledge and skills required by staff with varying levels of responsibility. Please see the resources section at the end of the document for good practice examples and other helpful tools and guidance.

**Carrying out the assessment of competency.**

In addition to completing the identified training modules, we suggest a combination of direct observation of practice, discussion and questioning in supervision, appraisal meetings and, or training into practice discussion. Any assessment of competency should be undertaken by an appropriate competent member of staff such as a supervisor or line manager. For new staff the initial review of competency could be completed within their induction period.

**How to use the framework**

Providers are asked to review their Mental Capacity Act training provisions to ensure it aligns with the knowledge and competencies set out within this framework.

Staffing roles identified within level 1, are expected to demonstrate the knowledge, core skills and competency set out within that level. Staffing roles indicated in levels 2 and 3 are expected to demonstrate the knowledge, core skills and competency set out within that level in addition to the those set out in the previous levels. There are example roles that broadly fit into the three levels; however, we would advise individual organisations to identify the specific roles within their organisation that most closely fits the descriptor stated within each level domain.

Feedback on the framework: We would like your Feedback on this document please leave feedback via the following link [MCA competency framework feedback](https://jamboard.google.com/d/1H7QIZOs56vLWkU2Bx2_5Rm8-atvfGdZ7ZdaG9-hNibY/edit?usp=sharing) Thank you.

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| Level One | Core skills and Knowledge | Competency required | Link to suggested training packages / modules.  Methods to assess competency. |
| Roles |  |  |  |
| For public service workers, volunteers or informal carer’s who get involved in supporting day to day decisions about care or treatment for people who may lack mental capacity. Supporting decisions such as choice of clothing, food, carrying out activities noted on the care plan and the acceptance or refusal of interventions and support.  **Identify which staff roles in your organisation fit into which levels of the framework**  **Examples:**   * Direct Care providers * Health Care Assistants * Care home staff * Support workers * Social care workers * Community Support workers * Personal assistants * Domestic staff * Housing support workers * Ambulance Service * Police Service(dependent on role) * Paramedics * Social work students (1st and 2nd year) * Any first- or second-year student working towards being a registered professional from the list above. | * An understanding of:   + - the 5 statutory principles of the Mental capacity Act     - the MCA decision making framework.     - The formal 2 stage assessment if capacity.     - The necessary steps to assist people to make day to day decisions. * Recognise when a formal assessment of capacity is needed and who is most appropriately placed to complete this. * Know when and where to record such decisions. * Basic understanding of   the concept of deprivation  of liberty (DOL) and when it might be used.   * Recognise what is meant by “restrictions” in a person’s care, which indicates a MCA and Best interest decision may be required. * Aware of the role of attorneys, deputies and IMCAs * Basic knowledge of advance decisions to refuse treatment (ADRT’s) and advanced wishes. * Consent and refusal by adults with capacity. | * To have a range of good communication skills * Demonstrate understanding of how to apply the 5 guiding principles in their day-to-day work. * Be able to explain their reasonable belief that someone lacks capacity. * Recognise when a formal assessment of capacity is needed and know who the decision maker is. * Be able to support service users and patients to make day to day decisions within the framework set by the MCA. * Be able to explain how they show that actions are in the persons best interests. * Know when and where to record such decisions. * Have a basic understanding of the concept of deprivation of liberty (DoL). * Be aware of the role of attorneys, deputies and IMCAs * Be able to demonstrate an understanding of advance decisions | For health and social care staff.  <https://www.e-lfh.org.uk/programmes/mental-capacity-act/>  or see link to register within resources section.  Modules 1,2,3,4,5,12  Somerset Foundation Trust staff:  SFT MCA Level 1 in-house training  Methods to assess competence.   * Direct observation * Direct questioning in supervision and appraisal. * Training into practice discussion. |

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| Level 2 | Core skills and knowledge | Competency required | Links to suggested training packages and modules and methods to assess competency. |
| Roles | In addition to those stated in level 1. | |  |
| Those involved in more complex decisions such as consent to medication, a new or increased care intervention or care package or any new significant decision  **Identify which staff roles in your organisation fit into which levels of the framework**  **Examples:**   * Senior Care Staff / shift leaders * Adult social care practitioners. Assistants * Nurses * Physiotherapists * Occupational therapists * Speech and language therapists * Dieticians * Other therapists * Commissioners * Final Year registered Students | * 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 program of physiotherapy or occupational therapy within the framework set out by the MCA. * To recognise when a formal assessment of capacity for a more complex decision is needed. * Recognise the need for specialist communication support where necessary. * Know how to make a more formal best interests’ decision and the use of the best interests checklist. * To have a working knowledge of the roles of attorneys, deputies and IMCAs, Office of the public guardian and CoP * To identify the links between mental capacity and the protection of adults at risk of abuse. * Understand the implications of executive dysfunction/ coercive control or undue influence in relation to Mental Capacity. * Understand the relevance of the European Convention on Human rights and the Human Rights Act in relation to the Mental Capacity Act. * Identify when a safeguarding referral may be indicated * To know how to contact the relevant DoLS teams for advice.   [dolsinformation@somerset.gov.uk](mailto:dolsinformation@somerset.gov.uk)  this will be a different address if a person is placed by an outside local authority.   * To understand the   difference between  treatment under the Mental  Health Act and treatment  under the MCA.   * + Understanding of the role of the Mental capacity act in relation to Parental Responsibility for individuals aged 16 and 17. (where applicable to work setting) | * Demonstrate ability to carry out a formal two stage test of capacity. * Know where to record any mental capacity assessment * Recognise need for an IMCA and how to access this support. * Be able to demonstrate an understanding of advance decisions and the implications of them in practice. * Be able to assess whether an advance decision is valid and applicable. * Apply a working knowledge of the deprivation of liberty safeguards (DoLS) * Make appropriate referrals if an unauthorised DoL is discovered or suspected. * Make best interests decisions with involvement of families. * Understand the implications of conditions set within a DoLS authorisation. * Indicate how to contact the DoLS teams for advice. * Understand how to make a request for a standard or complete an urgent DoLS authorisation. * Be able to make   appropriate safeguarding  referrals.   * Know how to check power of attorneys are valid and registered. | For health and social care staff.  <https://www.e-lfh.org.uk/programmes/mental-capacity-act/>  or see link to register within resources section  Modules 1,2,3,4,5,6,7,10,12  Module 8 if working with individuals aged 16 and 17.  Somerset Foundation Trust staff: MCA Level 2 in-house training  **Methods to assess competence.**   * Direct observation of staff member completing Mental capacity assessment and or best interest decision * Direct questioning in supervision and appraisal. * Observation of completed documentation that supports completed MCA’s and or best interest decisions. * Training into practice discussion. |

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| Level 3 | Core skills and Knowledge | Competency required | Links to suggested training packages and modules. |
| Roles | In addition to those stated in level 1 and 2 | |  |
| Those involved in serious  decisions such as consent  to treatment, a decision to  stay or move home, discharge from hospital, financial, personal risk and  safeguarding decisions.  **Identify which staff roles in your organisation fit into which levels of the framework**  **Examples:**   * Care home Managers * Senior nurses * CHC assessors * Social workers * Senior Social workers * Doctors * GP’s * Dentists * Discharge Liaison Nurses * Consultants * Specialist Nurses * Team managers * Adult Protection staff * Financial deputies L.A * Senior therapy staff * Health and social care managers. | * 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.   * Know how to complete consent to treatment forms for incapacitated adults in accordance with the MCA. * Understand the necessary skills to Chair a Multi Disciplinary best interests meeting. * To know when further advice should be sought such as regarding an application to the Court of Protection. * Contributing to DoLS / LPS assessments. | * 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. * Chairing of a best interests meeting. * Complete appropriate documentation for incapacitated adults in accordance with the MCA. * Be able to make   appropriate safeguarding  referrals and explain the  offences of ill treatment and wilful neglect. | For health and social care staff.  <https://www.e-lfh.org.uk/programmes/mental-capacity-act/>  or see link to register within resources section  Modules 1,2,3,4,5,6,7,10,12  Module 8 if working with individuals aged 16 and 17.  Somerset Foundation Trust staff: SFT MCA Level 2 in-house training (Level 3 training in development)  **Methods to assess competence.**   * Direct observation * Direct questioning in supervision and appraisal. * Training into practice discussion. * Observation of completed documentation that supports completed MCA’s and or Best interest decisions. |

**Resources**

Please see below attachments for good practice examples of completed Mental Capacity assessments and best interest decisions.

    

**MCA Prompt cards : (help support decision making regarding residency and care.)**



**Assessing capacity of people under the influence of alcohol: How to use legal powers to safeguard highly vulnerable dependent drinkers in England and Wales.**



**The MCA Code of Practice**

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497253/Mental-capacity-act-code-of-practice.pdf>

**Link to N1: Assessment of Mental Capacity form**

[​N1 Assessment of mental capacity (2021 version).docx icon N1 Assessment of mental capacity (2021 version).docx](https://gbr01.safelinks.protection.outlook.com/ap/w-59584e83/?url=https%3A%2F%2Fsomersetcc.sharepoint.com%2F%3Aw%3A%2Fr%2Fsites%2Fads%2FWIP%2Ftem%2FMental%2520Capacity%2520%2526%2520Best%2520Interest%2FN1%2520Assessment%2520of%2520mental%2520capacity%2520(2021%2520version).docx%3Fd%3Dw52860d10beb04012aecc7e426ddadb68%26csf%3D1%26web%3D1%26e%3DjArjJ2&data=05%7C01%7Cjoanne.hawkins2%40nhs.net%7C5575e01d509e4fc1873408dad9383ef7%7C37c354b285b047f5b22207b48d774ee3%7C0%7C1%7C638061132846477629%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=DXTY5HlTV8RSsc5TCZZNzr9DilC9JeE7dBA6aX%2FYIDs%3D&reserved=0)



**Link to N2 Best interest decision form**

<http://extranet.somerset.gov.uk/EasySiteWeb/GatewayLink.aspx?alId=121110>

**Blank Best interest decision record- short form**



**Blank Best interest decision -temporary placement.**



**Mental Capacity Act Guidance grab sheets (as detailed below)**

* MCA guidance for social media

[social-media-grab-sheet-mca-guidance\_v10\_apr2021.pdf (lancashiresafeguarding.org.uk)](https://www.lancashiresafeguarding.org.uk/media/19286/social-media-grab-sheet-mca-guidance_v10_apr2021.pdf)

* MCA guidance for Medical treatment

[medical-treatment-grab-sheet-mca-guidance\_v10\_apr2021.pdf (lancashiresafeguarding.org.uk)](https://www.lancashiresafeguarding.org.uk/media/19283/medical-treatment-grab-sheet-mca-guidance_v10_apr2021.pdf)

* MCA Guidance for Executive Functioning

[executive-functioning-grab-sheet-mca-guidance\_v10\_apr2021.pdf (lancashiresafeguarding.org.uk)](https://www.lancashiresafeguarding.org.uk/media/19288/executive-functioning-grab-sheet-mca-guidance_v10_apr2021.pdf)

**Somerset Safeguarding adults board MCA guidance**

<https://ssab.safeguardingsomerset.org.uk/mca_intro/mca_mca/> (this area is subject to review)

Training resources

eLearning for healthcare: Mental capacity Act. FREE ACCESS

<https://www.e-lfh.org.uk/programmes/mental-capacity-act/>

If you are not yet registered for eLearning for health or **do not** hold an Athens account, NHS.net, .gov or other accepted email account please register via the following link.

[**http://portal.e-lfh.org.uk/Register**](http://portal.e-lfh.org.uk/Register)

From this link:

* Put in your email address
* Selected none of the above apply to me. In the about you section.
* Then press continue (the following content is freely available)
* Fill out your details
* In the job tittle type “other” and add your organisations name. The system will send you a confirmation of registration email.
* Once registered they give you a temp password and ask you to change it.
* Once changed you can log on and search Mental Capacity Act and the full programme will come up

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

[Mental Capacity Act (MCA): e-Learning course | SCIE](https://www.scie.org.uk/e-learning/mca)

Bournemouth university Mental Capacity toolkit

[Mental Capacity Toolkit](https://mentalcapacitytoolkit.co.uk/)

Please leave feedback regarding this document via this link [MCA competency framework feedback](https://jamboard.google.com/d/1H7QIZOs56vLWkU2Bx2_5Rm8-atvfGdZ7ZdaG9-hNibY/edit?usp=sharing)