

# Mental Capacity Act Update

edition 20 | February 2009

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## Welcome to edition 20 of the *Mental Capacity Act Update*.

If you know anyone who is interested in, or affected by the Mental Capacity Act (MCA) please forward this newsletter to them.

If you would like to get future editions of *Update* please email [mcaupdate@publicguardian.gsi.gov.uk](mailto:mcaupdate@publicguardian.gsi.gov.uk) to subscribe.

## News

### Safeguarding Vulnerable Adults Policy

A new Safeguarding Vulnerable Adults Policy and a protocol for joint working between the Office of the Public Guardian and Local Authorities was launched in December 2008.

This policy provides a framework for delivering the OPG's role in safeguarding vulnerable adults, as the Mental Capacity Act 2005 introduced a statutory duty for the Public Guardian to supervise, investigate concerns and regulate Court appointed Deputies. The policy is supported by the OPG's Safeguarding Vulnerable Adults Procedures and Guidance document.

The protocol for joint working outlines the respective roles that the OPG, the Court of Protection and local authorities play in adult protection, ensuring that areas of overlap can be harmonised. The agencies will work together to help prevent and respond to abuse, by sharing information and following principles laid down in the guidelines.

To view the policy, protocol and guidelines, please go to attached link: [www.publicguardian.gov.uk/about/843.htm](http://www.publicguardian.gov.uk/about/843.htm)

### Mental Capacity Act 2005 Implementation Review

The consultation on Forms, Supervision and Fees was completed and closed on 15 January 2008. Seventy-eight responses have been received from a cross section of stakeholders including legal professionals, Local Authorities, Primary Care Trusts, charities and individuals.

Three workshops were held in Swansea, Exeter and Newcastle-Upon-Tyne to give an opportunity to stakeholders who would not normally get a chance to be involved. We are now working through the process of analysing the consultation replies. These will be collated and recommendations made before a formal response to the consultation is published on our website. We are currently planning on having this done by early March 2009.



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government



Office of the  
Public Guardian

## **Mental Capacity Act 2005 (MCA) Deprivation of Liberty Safeguards (DOLS)**

The Department of Health has recently published a general introductory leaflet to the MCA DOLS. The leaflet is now available in Arabic, Bengali, Chinese, French, Gujarat, Polish, Punjabi, Somali, Tamil and Urdu.

The leaflet can be downloaded from the following site: [www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_091868](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_091868)

It has been agreed that there should be a separate suite of forms for MCA DOLS applications to the Court of Protection. Work has begun on the production of the forms and an accompanying booklet on how to make an MCA DOLS application.

## **Mental Capacity Act 2005 (MCA) Deprivation of Liberty Safeguards (DOLS): Implementation Plan**

The Welsh Assembly Government will shortly be publishing guidance booklets for supervisory bodies and managing authorities, to assist those bodies with the processes associated with operating the Deprivation of Liberty Safeguards. In addition the Welsh Assembly Government will be publishing standard forms and letters, which will be supported with guidance, which managing authorities and supervisory bodies and assessors may use to document and record actions taken under the safeguards.

For further information, please contact [mentalhealthpolicymailbox@wales.gsi.gov.uk](mailto:mentalhealthpolicymailbox@wales.gsi.gov.uk)

## **The Office of the Public Guardian moves to become a multi-site operation**

The OPG has started taking steps to become a multi-sited organisation. An organisation with a single presence in London is not ideally placed to meet the demands of increasing workloads and the needs of customers who deserve a responsive and effective service. For that reason, work is going on to move OPG business to locations out of London in a phased way.

As our first steps in the next few months, we plan to move some business functions, including our postal address to a new office in Birmingham. Later in the year we will add a further location in Nottingham. We will keep customers and stakeholders informed of developments.

## **Court of Protection to move to HMCS**

The Court of Protection (CoP) administration will move to Her Majesty's Court Service on 1 April 2009, joining the Royal Courts of Justice (RCJ) Group. The CoP itself will remain in Archway accommodation until such time as the RCJ Group, itself currently undergoing considerable estates refurbishment, identifies alternative accommodation. The benefits of this transfer include greater flexibility in judicial and courtroom resource, a closer working relationship between Court of Protection and RCJ listing teams, a shared procedural and legislative framework and a clearer definition for users of the respective responsibilities of the OPG and Court.

A dedicated Court of Protection contact centre team has already been put in place. The team can be reached through the regular customer service number: 0845 330 2900.

## **RNID DVD about Mental Capacity Act 2005**

The Royal National Institute for the Deaf, in partnership with the OPG, are producing a British Sign Language (BSL) DVD about the Mental Capacity Act 2005 for people whose first language is BSL. The project itself is a straight BSL translation of the "Making Decisions: An Easy Read Guide" booklet produced in DVD format.

The DVD is well on the way to final production. Filming will be completed in February, and the cover and casing are now ready. We expect the DVD to be available by the end of March.

## IMCA service update

### IMCA service in England

The following link provides a list of IMCA providers in England [www.dh.gov.uk/en/Policyandguidance/Healthandsocialcaretopics/Socialcare/IMCA/index.htm](http://www.dh.gov.uk/en/Policyandguidance/Healthandsocialcaretopics/Socialcare/IMCA/index.htm)

More detailed information on the IMCA service in England is available at [www.dh.gov.uk/imca](http://www.dh.gov.uk/imca) or by emailing [IMCA@dh.gsi.gov.uk](mailto:IMCA@dh.gsi.gov.uk).

### IMCA training in England and Wales

Training can be booked online at [www.actionforadvocacy.org.uk](http://www.actionforadvocacy.org.uk) or you can email [training@actionforadvocacy.org.uk](mailto:training@actionforadvocacy.org.uk) to get a booking form.

### IMCA service in Wales

For further information on the Act in Wales, including a list of IMCA providers, please contact [Claire.Fife@wales.gsi.gov.uk](mailto:Claire.Fife@wales.gsi.gov.uk) or go to our website <http://new.wales.gov.uk/topics/health/nhswales/healthservice/mentalhealthservices/mentalcapacityact/?lang=en>

IMCA providers in Wales are supported by an IMCA Network, which has met bi-monthly since summer 2007. The Network which until recently was chaired by an Assembly official is chaired jointly by IMCA providers, Shanaz Dorkenoo and Sorrel Smith. Further information can be obtained from our website.

Arrangements are currently underway to set up a national training programme to provide IMCAs with Protection of Vulnerable Adults training at Levels 2 and 3.

## Health and Social Care update

### Regional leads to support the Act

The role of the regional leads, contact details below, is to support awareness raising activities and events, assisting with the education and training of health and social care staff who are affected by the Act, and supporting the provision of IMCA services.

### Mental Capacity Act

Region	Email contact details	Telephone
Yorkshire and Humber	<a href="mailto:Bruce.Bradshaw@nimheneyh.nhs.uk">Bruce.Bradshaw@nimheneyh.nhs.uk</a>	07940 361335
North East	<a href="mailto:Pat.Stewart@csip.org.uk">Pat.Stewart@csip.org.uk</a>	07799 343356
North West	<a href="mailto:Julie.Foster@csip.org.uk">Julie.Foster@csip.org.uk</a>	07825 379358
East Midlands	<a href="mailto:Robert.Nisbet@eastmidlands.csip.nhs.uk">Robert.Nisbet@eastmidlands.csip.nhs.uk</a>	07824 707985
Eastern	<a href="mailto:Lou.Brewster@csip.org.uk">Lou.Brewster@csip.org.uk</a>	07717 576822
South East	<a href="mailto:sjappleton@btinternet.com">sjappleton@btinternet.com</a>	07747 863973
London	<a href="mailto:Maggie.Goff@londondevelopmentcentre.org">Maggie.Goff@londondevelopmentcentre.org</a> <a href="mailto:Steve.Chamberlain@londondevelopmentcentre.org">Steve.Chamberlain@londondevelopmentcentre.org</a>	07932 612977 07967 347764
South West	<a href="mailto:David.Pennington@csip.org.uk">David.Pennington@csip.org.uk</a> <a href="mailto:Amanda.Williams@csip.org.uk">Amanda.Williams@csip.org.uk</a>	07799 627244 07825 843356

## Deprivation of Liberty Safeguards

Region	Email	Telephone
Yorkshire and Humber	<a href="mailto:Bruce.Bradshaw@nimheneyh.nhs.uk">Bruce.Bradshaw@nimheneyh.nhs.uk</a>	07940 361335
North East	<a href="mailto:Pat.Stewart@csip.org.uk">Pat.Stewart@csip.org.uk</a>	07799 343356
North West	<a href="mailto:Christine.Hutchinson@csip.org.uk">Christine.Hutchinson@csip.org.uk</a>	07795 963519
East Midlands	<a href="mailto:Robert.Nisbet@eastmidlands.csip.nhs.uk">Robert.Nisbet@eastmidlands.csip.nhs.uk</a>	07824 707985
Eastern	<a href="mailto:Joseph.Yow@csip.org.uk">Joseph.Yow@csip.org.uk</a>	07917 184109
South East	<a href="mailto:Keith.Nieland@csip.org.uk">Keith.Nieland@csip.org.uk</a>	07711 980057
London	<a href="mailto:Maggie.Goff@londondevelopmentcentre.org">Maggie.Goff@londondevelopmentcentre.org</a> <a href="mailto:Steve.Chamberlain@londondevelopmentcentre.org">Steve.Chamberlain@londondevelopmentcentre.org</a>	07932 612977 07967 347764
South West	<a href="mailto:David.Pennington@csip.org.uk">David.Pennington@csip.org.uk</a> <a href="mailto:Amanda.Williams@csip.org.uk">Amanda.Williams@csip.org.uk</a>	07799 627244 07825 843356
West Midlands	<a href="mailto:Ralph.Hall@csip.org.uk">Ralph.Hall@csip.org.uk</a>	07825 402599

For more information and contact details for the regional leads in Wales please contact [Claire.Fife@wales.gsi.gov.uk](mailto:Claire.Fife@wales.gsi.gov.uk)

## Jargonbox

Your guide to abbreviations and terminology used in MCA Update

**CoP** - Court of Protection - a new Court of Protection that is able to make decisions on both property and personal welfare issues.

**CSIP** - Care Services Improvement Partnership. For more information go to [www.csip.org.uk](http://www.csip.org.uk)

**DH** - Department of Health. For more information go to [www.dh.gov.uk/](http://www.dh.gov.uk/)

**DoLS** - Deprivation of Liberty Safeguards. For more information go to <http://www.dh.gov.uk/en/SocialCare/Deliveringadultsocialcare/MentalCapacity/index.htm>

**IMCA** - Independent Mental Capacity Advocate. For more information go to [www.dh.gov.uk/imca](http://www.dh.gov.uk/imca)

**LPA** - Lasting Power of Attorney.

**OPG** - Office of the Public Guardian - a new public office supporting the work of the Public Guardian. For more information go to [www.publicguardian.gov.uk](http://www.publicguardian.gov.uk)

### Contact details

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