

Mental Capacity Act Update

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Llywodraeth Cynulliad Cymru
Welsh Assembly Government



Office of the
Public Guardian

Welcome to edition 21 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 to subscribe.

News

The Office of the Public Guardian (OPG) opens its new office in Birmingham

In the February edition of MCA Update it was reported that the OPG were opening a new site in Birmingham as part of their strategy of becoming a multi-site organisation. This was to ensure that the OPG could effectively manage the increased demand for their services whilst ensuring their customers receive the service they deserve.

The first phase of this work has now been completed and the OPG Post Room function was transferred to a new site in Birmingham on Tuesday 5 May 2009.

This new office handles the post opening for the OPG.

All correspondence for the OPG should now be sent to:

**Office of the Public Guardian
PO Box 15118
Birmingham B16 6GX**

DX 744240 Birmingham 79.

Any correspondence to the Court of Protection should be sent to:

**Court of Protection
11th Floor Archway Tower
2 Junction Road
London N19 5SZ**

In the coming months, registration of EPAs and LPAs will also be taking place at the Birmingham office.

Mental Capacity Act 2005 Implementation Review Update

Following the consultation 'Reviewing the Mental Capacity Act (MCA) 2005: forms, supervision and fees', the Government response was published on 11 March

www.justice.gov.uk/consultations/reviewing-mental-capacity-act.htm.

The OPG received 76 formal responses all broadly supportive of consultation proposals which included the introduction of a new supervision level, a new OPG fees structure and the revision of the Lasting Power of Attorney forms.

Lasting Power of Attorney forms redesign

As a result the OPG has already begun working with its customers, stakeholders, staff and a forms design specialist to redesign the LPA forms.

Using the feedback provided in the consultation and through subsequent review workshops the OPG has redesigned the forms to:

- be more streamlined with no tick boxes,
- be written in plainer English and,
- include completion guidance notes in the margins of the forms.

In-depth user testing with a representative sample of LPA form users has also taken place to ensure that the forms meet the needs of OPG key customer groups.

Initial feedback from user testing is positive and the OPG expect to send the redesigned forms to Ministers for sign-off with a view to launching the new forms in October 2009.

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

The MCA DOLS went live on 1 April 2009. The safeguards provide legal protection for those people in England & Wales aged 18 and over living in a hospital or care home, who lack capacity to make decisions about their care and treatment.

The safeguards do not apply to people detained under the Mental Health Act 1983.

A Code of Practice has been produced to help explain the safeguards and the procedures around DOLS. The Code can be accessed via the following link:

www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_085476

Sense - Capacity to Communicate Project

Funded by the Department of Health, Sense ran a three-year project (2006-9) to ensure IMCAs had a greater understanding of dual sensory loss and its impact on communication, so they would be better equipped to support and represent people. Sense also produced a comprehensive training toolkit aimed at advocates and a shorter information toolkit aimed at families. A summary report of the project, along with the two toolkits, is free to download at www.sense.org.uk/advocacy

Social Care Institute for Excellence (SCIE)

The SCIE website offers access to an array of useful MCA guidance materials and links to further support and understanding of the Act. You can access their information in the following link:

www.scie.org.uk/publications/misc/mca/index.asp

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

More detailed information on the IMCA service in England is available at www.dh.gov.uk/imca or by emailing IMCA@dh.gsi.gov.uk.

IMCA training in England and Wales

City and Guilds have approved the National Advocacy Qualification and have also registered the first 7 training organisations to provide it. Many more organisations are in the process of registering as trainers and as assessors.

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 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.

IMHA

Independent Mental Health Advocates (IMHAs) started work on the 1st April 2009. They are providing statutory advocacy for people detained under the Mental Health Act. The Department of Health is funding a number of regional 4 day IMHA courses. Several of the IMCA providers are also IMHA providers.

Health and Social Care update

Regional leads to support the Act

Mental Capacity Act (MCA) Regional Leads - Contact Details

Region	Lead	Email contact details	Telephone
Yorkshire and Humber	Bruce Bradshaw	bruce.bradshaw@yhip.org.uk	07940 361335
North East	Pat Stewart	pat.stewart@nmhdu.org.uk	07799 343356
North West	Julie Foster	julie.foster@northwestjip.nhs.uk	07825 379358
East Midlands	Robert Nisbet	robert.nisbet@eastmidlands.nhs.uk	07824 707985
Eastern	Lou Brewster	lou.brewster@easterndc.org.uk	07717 576822
South East	Steve Appleton	sjappleton@btinternet.com	07747 863973
London	Steve Chamberlain	steve@oxberry.plus.com	07967 347764
South West	David Pennington Amanda Williams	david.pennington@dhsocialcareprogrammes.org.uk amanda.williams@swdc.org.uk	07799 627244 07825 843356
West Midlands	Colin Vines Ralph Hall	cvconsulting@btconnect.com hall5954@ymail.com	07809 143683 07525 203107

Deprivation of Liberty Safeguards (DOLs) Regional Leads - Contact Details

Region	Lead	Email	Telephone
Yorkshire and Humber	Bruce Bradshaw	bruce.bradshaw@yhip.org.uk	07940 361335
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North West	Christine Hutchinson	christine.hutchinson@csip.org.uk	07795 963519
East Midlands	Robert Nisbet	robert.nisbet@eastmidlands.nhs.uk	07901 670070
Eastern	Joseph Yow	joseph.yow@easterndc.org.uk	07917 184109
South East	Keith Nieland	keith.nieland@dhsocialcareprogrammes.org.uk	07711 980057
London	Steve Chamberlain	steve@oxberry.plus.com	07967 347764

South West	David Pennington Amanda Williams	david.pennington@dhsocialcareprogrammes.org.uk amanda.williams@swdc.org.uk	07799 627244 07825 843356
West Midlands	Ralph Hall	hall5954@ymail.com	07825 402599

For more information and contact details for the regional leads in Wales please contact 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.

DH - Department of Health. For more information go to www.dh.gov.uk/

DoLS - Deprivation of Liberty Safeguards. For more information go to 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

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

If you would like this document in an alternative format, call us on 0854 330 2900 or email mcaupdate@publicguardian.gsi.gov.uk

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