

## UPDATE ON MENTAL CAPACITY ACT - for December 2006

Item: A briefing note for Mental Capacity Leads in each borough of London as nominated by the Local Authority.  
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### MCA Implementation - National level - updated December 2006

**Department briefing** - the latest update (edition 10) from the Mental Capacity Implementation Programme is very useful:  
<http://www.dca.gov.uk/legal-policy/mental-capacity/index.htm>  
Email to get on the distribution is: [makingdecisions@dca.gsi.gov.uk](mailto:makingdecisions@dca.gsi.gov.uk)

Updates I would like to highlight:

**Code of Practice.** There is now a delay to laying this before parliament and this has impacted on the delivery of training materials. I will let you know updates when I hear.

**Consent Guidance.** The Department of Health are planning to update the documents which were produced in 2001 though I do not know the timescale as yet. For the originals go to:  
<http://www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/Consent/ConsentGeneralInformation/fs/en>

**Advance Directives.** The Department of Health are planning to issue transitional arrangements in respect of advance directives to prevent directives that are dated before the operational date of the Act (April 2007) from becoming invalid. Again as soon as I have more information I will let you know.

**Standard Presentation** - I attach the updated in November standard MCA presentation prepared by the Department of Health and the Department for Constitutional Affairs.



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## MCA Implementation - London level - updated December 2006

**London Network** – there is now a nominated MCA lead for each borough which I am communicating with. I am not distributing that list but will put people in touch if they contact me with a query.

I have been asked to link in the ASW London Network and the MH Act Network. If you know of any other London wide networks interested in the MCA implementation, please let me know. I am particularly keen to hear from the non – MH sector.

**Next meeting** – I am looking at **dates in the last week of Jan or the second week of February** to hold an event around developing the 3 Ps: protocols, policies, procedures plus the recording and training issues that go behind this.

**A “Backward” Timeline** – updated - we drew this up at the last network meeting to assist with setting up an implementation plan and I have updated it .



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**LINS** – I am keen to hear from you on the success of your LINS. Last time I distributed Islington’s TORS and this time I am distributing Westminster’s TORS and Work-streams. I am also including an update note from Greenwich. If you do have similar documents and are happy to share them, please do forward them to me.

NB: I am also using these types of documents as evidence of multi-agency working to support the forms required by DH see training monies, page 3.



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### Previously distributed:

Islington’s Ruth Garry’s presentation on setting up a LIN



Setting up a MCA  
local implementation 1

National Lead, Paul Gantley’s DH presentation on MCA and setting up a LIN



London.South East  
Oct '06.ppt

Kensington and Chelsea Capacity and Consent Guidelines - thanks to Steve Chamberlain



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## Training and Awareness Raising – updated for December 2006

**Training monies** - These have been distributed see the letter of 1 November, Gateway 7267 and LAC 2006 (15) on DH website under LA and within the CE Bulletin for Oct 27<sup>th</sup> to Nov 2<sup>nd</sup> 2006.

**The DH have requested forms (MCAI)** to be signed by LA and by myself. I am looking to receive with the forms evidence of multi-agency working. This has taken the form of TORS, LINs work-stream plans, one page summaries of work done to date. This is to ensure that relevant local organisations have had an opportunity to engage around use of the funds.

**Timeline:** "As soon as practicable" was stated on the letter, I am taking this to mean for Christmas so please could you get them to me for December 18<sup>th</sup>.

**Implementation plans** - I am looking for implementation plans to provide an oversight of how the Boroughs plan to utilise the funds provided for awareness raising as well as training (the delayed training materials should not put a halt to this process as the booklets etc can be used in lieu of these).

**Timeline:** I would like to collate these in the New Year. Please could you let me know if you expect any problems with this time-scale.

**Best Practice Tool** - I wanted to highlight here that is a useful tool to consider the state of readiness of organisations, at corporate level. At service level, then I have heard people discuss carrying out an audit to assess how often capacity is assessed around decision making. *Please could you let me know of any organisations who have used the tool. I am keen to know the extent of take-up of the tool in London.*

**Training materials** - These are being produced by the University of Central Lancashire and were planned to be available in electronic and hard copy formats in November however they are now delayed whilst we wait on the Code of Practice final version. There will be 5 modules:

1. Generic (for all health and social care staff affected by the Act)
2. Acute hospitals
3. Mental health services
4. Residential accommodation
5. Primary and community care

### Other materials so support training : Booklets

The DCA are publishing a series of information booklets for a variety of audiences including health and social care staff, families and carers and the wider public. Taken from the DC website:

These information booklets provide introductory information on the Mental Capacity Act. If you would like to order hard copies, please [email us](#)

- [The Mental Capacity Act – introductory information for people who may lack capacity or who want to plan ahead for the future.](#) [PDF 475 kb, 50 Pages]
- [The Mental Capacity Act – introductory information for people who work in health and social care.](#) [PDF 360 kb, 62 Pages]

**Training bids** - There are examples of the bids developed in Wales sent out by LA to support local training implementation.



9K\_BID\_JULY\_2006.doc



Training\_Bids\_Template\_with\_detail\_09\_C

**Training of practitioners** - of the new Act and raising general awareness. A discussion was held on the 17<sup>th</sup> October and with SE region we are considering events for:

- Medical Directors Acute Trusts
- LA financial advisors: can you advise on what you think the issues are?

### **National Bids for Training activities**

These are being collated by DH now – the tender went out in October but organisations may still be able to apply for funds.



tender Oct'06.doc

### **Training providers who have contacted me are in order to reach you are :**

Advocacy Partners

Orchard Hill, Fountain Drive, Carshalton, Surrey SM5 4NN

Tel 02087708063

Matrix Training Associates

2 The Green, North Waltham, Hampshire, RG25 2BQ

☐ 01256 398928 Fax 01256 398929

[www.matrixtrainingassociates.com](http://www.matrixtrainingassociates.com)

Woodcote Training : Woodcote Manor, Kidderminster Road, Bromsgrove, Worcs, B61 9 DY Tel 01527 875340

Care and Health Law Tel: 01483 812161

## **IMCA Updates for December**

**Commissioning Event** - An event on **21st September** took place at The School of Oriental and African Studies (SOAS). The presentations, including a presentation on the Croydon pilot, were sent out in the last newsletter ( which should be going on the LDC website soon). Let me know if you want them.

**IMCA updates** – Lucy Boonerjea at the DH, or myself, may be contacting you or your colleagues in the next few weeks to find out how your IMCA work is going. I have seen Greenwich, Bromley and Bexley's joint bid and the 7 boroughs in North West London are working together on their bid. **If you can drop me an email to let me know how the IMCA is progressing, I would be most grateful/**

**IMCA Regulations and Guidance** – For updates see the DCA newsletter mentioned on page 1. On the website you will find commissioning guidance from Turning Point, Advocacy guidance from Action for Advocacy and information on the IMCA pilots but not as yet the final evaluation.

## **IMCA Background from last briefing:**

**IMCAs** – We have been asked to advise on whether it is critical to have local IMCA services in place by 1st April next year. My understanding is that from that date local authorities will have a statutory responsibility to ensure that an IMCA service is in place. The view at present is that if an IMCA service cannot be commissioned and established in time contingency arrangements will need to be made.

## **Bournewood policy proposals**

The "Bournewood" safeguards are being introduced with the MH Act Amendments. There is a useful summary in Edition 10 of the MCA update newsletter listed on page 1.