

MENTAL CAPACITY ACT AND DOLS

Update report for Safeguarding Adults Board April 2015



MCA House of Lords Implementation Programme: NHS England Funding Offer

A proposal was made and accepted for this funding to be used for Mental Capacity Awareness for health, social care and the third sector. The sessions will include including practical application of the MCA, LPA and advance decision awareness. Places will be allocated according to who is directly involved in implementing the MCA in practice and most able to influence the improvement of MCA practice within their organisation. Places will also be made available to groups who advise and support members of the public such as service user actions groups and public advice services. The funding will also be used for literature to be distributed at the training. The literature will be aimed at professional and public awareness of LPA and Advance Decisions including details of how to obtain further advice.

Safeguarding Adults Board DOLS Supreme Court task and finish group

The Supreme Court Decision task and finish group met in November 2014 and had planned to meet again in May 2015. In the mean-time there has been discussion about forming a Mental Capacity Act sub-group in response to Valuing Every Voice, government response to the House of Lords Scrutiny of the Mental Capacity Act. Specific aims would include:

- Supporting local networks and groups of professionals to come together to share expertise, ideas and best practice.
- Identifying and contributing to a repository of best practice including capturing case studies to be shared more widely.

I propose that if an MCA group is to be formed, that this same group could take forward any actions to fully implement the DoLS including the 2014 judgment and recent guidance.

I further propose that this MCA sub-group should be facilitated by a member organisation other than the council safeguarding unit. The main barrier to successful MCA subgroup in the past has been the participation of agencies and the availability of representatives of member organisations to attend as well as to undertake agreed actions toward implementing the Act in their organisation. The benefits of a member organisation facilitating the re-launched sub group includes full commitment from that organisation to continued participation in the group as well as a clear understanding of what are achievable and realistic expectations from other member organisations.

DoLS applications waiting for assessment Plymouth City Council Supervisory Body

370	Total number of people awaiting assessments
47	High priority applications awaiting assessment
13%	of applications assessed not leading to authorisations (1/2 of which person had capacity)
141	People currently subject to authorisations (all will require a re-assessment this year)