



Our Programmes:

# Mental Capacity Act in Practice



Last Updated: August 2021





# Mental Capacity Act: Contents

1. [Mental Capacity Act Awareness](#)
2. [Mental Capacity Act in Practice](#)
3. [Undertaking Capacity Assessments](#)
4. [Best Interest Decision Making](#)
5. [Working with Complexity under the MCA](#)
6. [Substance Use & Mental Capacity](#)
7. [MCA for Managers: Supervising MCA Practice](#)
8. [MCA for Occupational Therapists](#)
9. [MCA for Housing Providers](#)
10. [MCA for Provider Services](#)

## **MCA Refreshers:**

11. [MCA & Safeguarding Adults](#)
12. [Learning Lessons from Case Law](#)
13. [MCA & Self-Neglect & Hoarding](#)
14. [MCA & Working with Acquired Brain Injury](#)
15. [MCA & Alcohol Related Dementia](#)
16. [If you can't find what you're looking for...](#)

# Learning Outline:

## *Mental Capacity Act Awareness*



It is critical for professionals across all Adult Social Care Settings to understand the Principles of the Mental Capacity Act 2005, as they may have a critical role in identifying when a person may not have a capacity to make a specific decision and highlighting this to the relevant professionals.

Even where MCA Assessments are not part of a person's daily role, they may on occasion be the most appropriate decision-maker for a specific decision and/or may have valuable information to add to a Best Interest Assessment.

The aim of this half-day programme is to ensure participants understand the main provisions of the Mental Capacity Act 2005

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- The Principles of the Mental Capacity Act and how the Code of Practice guides and governs its use.
- Understand the roles of the Court of Protection, Advance Decisions, Deputies and People who have a Lasting Power of Attorney
- What having capacity to decide means and to establish if a person lacks capacity.
- Know why, when how and who can undertake capacity assessments.
- Understand Section 5 in making decisions on behalf of a person who lacks capacity, know what a best interest decision is and how this decision is made – including decisions around restraint, covert medication, and deprivations of liberty.
- Be able to record Interventions appropriately.

# Learning Outline:

## *Mental Capacity Act in Practice*



The process of undertaking a mental capacity assessment, ensuring that the principles of the act and the requirements of the law are applied can be a daunting task for practitioners.

This one-day session is designed to build upon the half-day MCA awareness session and move beyond basic awareness of the legislation.

It aims to support participants to apply their knowledge to practice and develop the skills necessary to undertake a time-specific and decision-specific assessment.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- Understand why, when, and how to assess capacity.
- Formulate an accurate question for the basis of the MCA Assessment and be able to decide if there is more than one question/assessment required.
- Confidently assess the responses given by customers to inform a decision on whether they have capacity for that decision, including assessing fluctuating capacity.
- Decide who is the most appropriate decision-maker for each decision to be made and ensure the response is proportionate to the decision.
- Use a range of different communication methods which can help assist a person to make their own decisions where possible.
- Understand the importance of record all information appropriately and in line with the code of practice and Act.

# Learning Outline:

## *Undertaking Mental Capacity Assessments*



The process of undertaking a mental capacity assessment, ensuring that the principles of the act and the requirements of the law are applied can be a daunting task for practitioners.

This short session is designed to move beyond basic awareness of the legislation and support participants to apply their knowledge to practice and develop the skills necessary to undertake a time-specific and decision-specific assessment.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- Understand how the principles of the MCA apply to the assessment process.
- Increased awareness of best practice guidance (from both the code and case law) that should underpin the assessment process.
- Understand the stages of the assessment process, awareness of the need for clarity over the decision to be made and the information relevant to that decision.
- Develop skills and strategies to engage with individuals and their supporters as part of the assessment process.
- Understand the application of the MCA principles and provisions to complex strengths and needs as part of the capacity assessment process.

# Learning Outline:

## *Best Interest Decision Making*



The process of undertaking a best-interest decision on behalf of someone else and ensuring that the principles of the act and the requirements of the law are applied can be a daunting task for practitioners.

This one-day session is designed to move beyond basic awareness of the legislation and support participants to apply their knowledge to practice and develop the skills necessary to think about and identify best interests in accordance with the best interest checklist (s.4) within the Mental Capacity Act 2005.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- Understand how the principles of the MCA apply to best interest decisions.
- Increased awareness of best practice guidance (from both the code and case law) that should underpin the best interest process
- Understand the elements of the best interest checklist and the information relevant to that decision.
- Develop skills and strategies to engage with individuals and their supporters as part of the best interest process.

# Learning Outline:

## *Working with complexity under the MCA*



This one-day session is designed to move beyond basic awareness of the legislation and support participants to apply their knowledge to practice and develop the skills necessary to think about and undertake assessments of capacity.

This course has a focus on complex situations and how we might assess and consider risk, harm, and autonomy in practice, including consideration of best interests in accordance with the best interest checklist (s.4) within the Mental Capacity Act 2005.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- To understand the complex issues of consent and how to proceed in an accountable, safe, and appropriate manner if meaningful consent cannot be obtained.
- Formulate an accurate question for the basis of the MCA Assessment
- Confidently assess the responses given by customers to inform a decision on whether they have capacity for that decision, including assessing fluctuating capacity.
- Decide who is the most appropriate decision-maker and ensure the response is proportionate to the decision.
- Understand the importance of recording all information appropriately and in line with the code of practice and Act.

# Learning Outline:

## *Substance Use & Mental Capacity*



This course aims to introduce social workers and social care staff with the knowledge and skills required when considering the impact of substance misuse on an individual's capacity, specifically alcohol related dementias.

Alcohol is one of the most toxic substances that is used in today's society and has a range of physical, psychological and social consequences. Alcohol related dementias are complex in their presentation and can have varying impacts on the individual's capacity to make decisions, as such workers need to be aware of the range of presentations, they may be called upon to consider and develop a foundation level of knowledge on which to base their assessments and subsequent decisions.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- To develop an understanding of the relationship between substance use/alcohol and capacity.
- Increased confidence in assessing both risk and capacity to decide, with individuals that use substances.
- Awareness of the options for intervening with individuals that use substances.
- To understand and be able to identify risks and needs in people who may be experiencing / developing an alcohol related dementia.
- To think through how this may affect the assessment process, how to involve both the person and others close to them to best effect, and how to consider any advanced statements or decisions that the person may have made in terms of what might be in their best interests.



# Learning Outline:

## *MCA for Managers: Supervising MCA Practice*



At the current time team managers and supervising practitioners, across and between different agencies, practice in a variety of ways in relation to delivering responsibilities of the legal framework. This ranges from supervising practitioners and auditing assessments, through to acting as chair within best interest discussions and meetings and providing directive leadership in relation to the processes within their teams.

In preparation for the upcoming changes brought about by the Mental Capacity (Amendment) Act 2019, these one-day sessions are designed to capture areas of good practice, and both upskill and increase the confidence of managers in the application of the legislative framework.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- Develop an evidence-based understanding of the mental capacity assessment and best interest requirements, including the learning and evolution of practice via an understanding of developments brought about by statutory guidance and caselaw.
- Understand how the principles of the Mental Capacity Act should be used to underpin mental capacity assessment and best interest decision making and how this should be evidenced in practice.
- Develop professional confidence in application of the Act to support delegates management and leadership of this area of practice.
- To inform the development of a robust, evidence-based, process for best interest decision making.
- To develop a greater awareness of the value of quality assurance and peer review processes as a means of improving practice.

# Learning Outline:

## *MCA for Occupational Therapists*



Occupational Therapists (OT's) work with adults and children of all ages with a wide range of conditions; most commonly those who have difficulties due to a mental health illness, physical or learning disabilities. They can work in a variety of settings including health organizations, social care services, housing, education, re-employment schemes, occupational health, prisons, voluntary organisations or as independent practitioners.

Across this range of contexts and specialisms a working knowledge of the MCA, and the links between capacity and consent for interventions, such as equipment and promoting daily living skills, is an essential knowledge requirement. This one-day session is designed to support OT's in applying the MCA in their practice across a range of practice contexts.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- To Understand how the principles of the MCA apply to the OT task.
- Increased awareness of best practice guidance (from both the code and case law) that should underpin assessment and intervention within the MCA framework.
- Understand the stages of the assessment process, awareness of the need for clarity over the decision to be made and the information relevant to that decision and apply this to OT practice.
- Develop skills and strategies to engage with individuals and their supporters as part of the application of the MCA.

# Learning Outline:

## *MCA for Housing Providers*



Working within the framework of the Mental Capacity Act 2005 (MCA) and the Deprivation of Liberty Safeguards (DoLS) has become increasingly complex over the last five years, with case law increasingly providing the guidance and grounding on how it is interpreted in practice and the roles and responsibilities of staff in relation to ensuring article 5 safeguards are in place.

This one-day programme is designed housing support staff, working with individuals for who the ability to decide for themselves may be an issue. It aims to support participants to apply knowledge of the legal and policy framework to their day-to-day work and facilitate a critically reflective approach to working within the legal framework.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- A working knowledge and understanding of the MCA. principles and how they apply to day-to-day housing issues.
- Know when to request the support of psychiatrists or other professionals.
- Understand the principles of good communication and how to communicate using different communication mediums, supporting the customer to engage in the assessment.
- How to act when the customer does not want to engage.
- How to elicit the best information from the customer.
- Formulate the question - working out what it is exactly that you are assessing, and whether it needs addressing in more than one assessment.
- How to record all information appropriately.

# Learning Outline:

## *MCA for Provider Services*



The process of undertaking a mental capacity assessment, ensuring that the principles of the act and the requirements of the law are applied can be a daunting task for staff across all care delivery settings.

This one-day session is designed to build on previous learning and move beyond basic awareness of the legislation to consider how the principles and provisions apply in public sector service settings.

The session aims to support participants to apply their knowledge to practice and develop the skills necessary to undertake a time-specific and decision-specific assessment.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- To Understand how the principles of the MCA apply to the assessment process.
- Increased awareness of best practice guidance (from both the code and case law) that should underpin the assessment process.
- Understand the stages of the assessment process, awareness of the need for clarity over the decision to be made and the information relevant to that decision.
- Develop skills and strategies to engage with individuals and their supporters as part of the assessment process.
- Update knowledge in relation to relevant caselaw rulings and statutory guidance.
- Understand the application of the MCA principles and provisions to complex strengths and needs as part of the capacity assessment process.



# Learning Outline:

## *MCA Refresher - Mental Capacity & Safeguarding*

Safeguarding adults' processes are processes and protections where the individual's ability to make decisions, the concept of unwise decision making, and the interaction with issues of coercion and control all collide.

Under the Making Safeguarding Personal agenda, our enquiries and any plans should hold the person, their wishes, feelings and preferences at the centre, but what happens when a person may be at risk and their capacity to decide is impaired?

This one-day programme will explore the interface between safeguarding and mental capacity, including the application of MSP, guidance on coercion and control and an examination of the capacity assessment and best interest process within the context of safeguarding concerns.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- To refresh & increase knowledge and application of robust assessments of capacity in safeguarding adult's cases.
- Identify the legal aspects of the Mental Capacity Act that have particular importance in safeguarding and consider the role and use of the Court of Protection.
- Consider how to use the Mental Capacity Act to respond to specific types of abuse and identify and carry out best practice in the application of the Mental Capacity Act.
- Encourage delegates to be professionally curious and tenacious, working across agencies, to fully work with the complexities of how adults at risk may present.
- Consider the impact of coercion and control in relationships and familial based domestic abuse, where capacity may appear to be present, but where adults at risk may not have any choice or true consent.

# Learning Outline:

## *MCA Refresher – Lessons from Case Law*



This course looks at a range of cases which have been considered by the Court of Protection, to see what lessons can be learnt for our everyday practice. It explains that Mental Capacity Act cases go to the Court of Protection either where there is conflict amongst the people involved, and/or where the issue is so serious or complicated that it cannot be resolved through meetings and negotiation.

The rulings of the Court, and the reasons for those rulings, can be invaluable in helping health and social care practitioners deal with similar issues in their own practice and this course examines examples in relation to key complex areas such as fluctuating capacity and restricting contact with family. Delegates will have the opportunity to bring and discuss their own complex cases and explore them with the group in the form of an action learning set.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- Increased knowledge of the application of the Mental Capacity Act through exploring a range of cases which have been dealt with in the Court of Protection
  - What the Court of Protection has said about various issues, including:
  - Best interests
  - Fluctuating capacity
  - Unwise decisions
  - The relevance of available resources to decision making
  - How much weight to give to the person's own wishes and feelings, if unclear
  - Life sustaining treatment
  - Other serious medical treatment
  - Restricting contact with family
- Application & reflection on own practice in the context of recent rulings.

# Learning Outline:

## *MCA Refresher - Self-Neglect & Hoarding*



There have been significant developments in relation to the operation of the Mental Capacity Act 2005 since its introduction. These have impacted both on the role of those working with the MCA, and the demands experienced by LA's, health care and voluntary sector providers.

With safeguarding being extended to self-neglect, and habitable housing coming into scope of the Care Act eligibility determination, practitioners are now working with a range of complex presentations which have received focus as a result of some of these changes.

This one-day programme is designed as an update for those who wish to update their knowledge and skills in preparation for the upcoming changes to the legislative framework and to consider complex cases within the context of the Act.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- Understand the main provisions and underpinning the MCA and how they apply in circumstances relating to the issues of self-neglect and hoarding behaviour.
- Update knowledge in relation to relevant caselaw rulings and statutory guidance.
- Understand the application of the MCA principles and provisions to complex strengths and needs
- Reflect & Analyse upon Best Interest decision-making in relation to specific needs – self-neglect & hoarding.

# Learning Outline:

## *MCA Refresher - Working with Acquired Brain Injury*



The Mental Capacity Act 2005 is a vital piece of legislation for anyone working with or supporting someone who may be vulnerable and who may sometimes struggle to make decisions for themselves.

For those who have suffered an Acquired Brain Injury (ABI), there may be particular issues and considerations that need to be made when applying the provisions of the MCA to the individuals support.

This one-day programme is designed for anyone working with or supporting individuals experiencing ABI, for whom capacity may be an issue.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- To understand the principles and processes of the MCA and how they might apply to Acquired Brain Injury.
- Understand the common issues with ABI based on the type of injury the individual has sustained.
- Explore issues such as fluctuating capacity and how to manage this in practice.
- Understand when to seek specialist support.



# Learning Outline:

## *MCA Refresher – Alcohol Related Dementia*



This course aims to provide participants with the knowledge and skills required when assessing substance related cognitive impairment, specifically alcohol related dementias.

Alcohol is one of the most toxic substances that is used in today's society and has a range of physical, psychological and social consequences that will be encountered by practitioners in the course of their daily work.

Alcohol related dementias are complex in their presentation and can have varying impacts on the individual's capacity to make decisions, as such professional and support staff need to be aware of the range of presentations, they may be encounter in practice, and develop a foundation level of knowledge on which to base their assessments and subsequent decisions.

### **Learning Outcomes:**

*This course will provide participants with the following learning outcomes:*

- To understand and be able to identify people who may have an alcohol related dementia.
- To understand how people with such dementias are most likely to present (e.g., confabulation for example).
- To support participants, think through how this may affect the assessment process, how to involve both the person and others close to them to best effect, and how to consider any advanced statements or decisions that the person may have made in terms of what might be in their best interests.



---

*We specialise in developing training and learning programmes based on the requirements of our customers, and the knowledge and skills of our crew.*

## **IF CAN'T FIND WHAT YOU'RE LOOKING FOR?**

We are always happy to discuss bespoke programme development.

Contact us to find out more [crew@dcc-i.co.uk](mailto:crew@dcc-i.co.uk)