

Mental Capacity Act Deprivation of Liberty Master Class

A one day course

This course examines a range of evidence on how well, or otherwise, the Mental Capacity Act (MCA) Deprivation of Liberty (DoLS) has been implemented since their introduction in 2009. It looks at sources such as case law, government reports and data and CQC reviews. Is the human rights basis of the Act being respected and reflected in practice? Is the legal framework relating to restriction and restraint well known? Are hospitals and care homes familiar with when this might become deprivation of liberty?

The course will reflect on the early case law which set the framework for the Safeguards as well as more recent judgements from the Courts. Delegates will have opportunity to reflect on their personal practice as well as policy in their organisations. It is expected delegates will be experienced MCA and DoLS practitioners. The course will challenge some of the myths, assumptions and misconceptions often associated with the Safeguards.

The course is structured to meet the annual update training requirements for DoLS assessors.

The course will look at what makes a good Managing Authority and steps commissioners and Supervisory Bodies might take to ensure there is compliance. The course will be framed in the context of best practice, research, Court findings and government guidelines.

Who is it for? The course is designed for anyone who works directly with vulnerable people, and their managers, whether they be qualified or unqualified or working in the voluntary, statutory or private sectors. Delegates must already have attended basic training on the MCA and DoLS be working with service users (aged over 16) who may be unable to make some, or all, decisions about their care and treatment. Delegates will have operational experience of applying the Safeguards. It is also suitable for assessors seeking annual update training.

Timetable (may be subject to amendment)

- Session 1** DoLS update – introduction & overview
Create agenda board
Reflective practice sheets
The human rights basis of the Safeguards
The DoLS case law framework
- Session 2** Case law since 2009
Recent decision in the Supreme Court
- Session 3** Number of assessments and trends
What makes a good Managing Authority
- Session 4** Commissioning for compliance
Post-Legislative Assessment
CQC report findings
Case study

Learning Outcomes

On completion of this course, participants will be able to:

- Better understand the DoLS case law framework
- Adapt their practice to reflect various rulings by the Courts
- Reflect on, and change if needs be, their personal practice and policy within organisations in light of a series of findings from research and reports around DoLS in practice
- Refresh their knowledge and understanding of the human rights basis of the Safeguards
- Review whether the rights of service users are being recognised and met
- Take forward good practice within their Managing Authority
- Understand what a commissioning for compliance framework might look like
- Meet the training update requirements for assessors