

The Mental Capacity Act 2005

A one day course

The Mental Capacity Act 2005 has had a considerable impact on all health and social care staff. The legislation covers all health or social care decisions made on behalf of people who lack capacity to consent to care or treatment. Its remit covers all areas where such decisions may be made – the private home, hospital, GP practice, dental surgery, hospice, care home, day centre, supported living and other locations.

This course provides a practical knowledge base for health or social care staff working with people who may lack capacity. Practical issues in using the legislation are considered and addressed.

Who is it for? This course can be tailored to the needs of the particular professional group [social workers, doctors, care home managers, lawyers], care environment [general hospital, care home, mental health hospital] or client group [learning disability, mental health].

Timetable (may be subject to amendment)

Session 1 Mental Capacity Act 2005 – introduction & overview

The principles

Defining capacity – the legal definition and its implications for practice

Assessing capacity – the test

Practical issues and challenges in testing capacity

Exercise – Case study to assess capacity

Session 2 Defining best interests

Assessing a person's best interests

Practical issues when assessing best interests

Exercise – making a best interest decision

Session 3 Restraint – definition and criteria for use

Deprivation of Liberty Safeguards - when, where and why

Identifying care that may amount to a deprivation of liberty

Exercise – best interests and DOLS or restraint

Advance Decisions

Lasting Powers of Attorney

Session 4 IMCA – the right to advocacy

Deputies

Court of Protection

Exercise - Quiz

Learning Outcomes

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

- Understand the key parts of the Mental Capacity Act 2005
- Explain how their working practices will be affected by the legislation
- Demonstrate how the Act will affect their clients / service users
- Illustrate how they will use different parts of the Act in their work
- Use the legislation to establish whether a person has capacity and how their best interests would be assessed
- Demonstrate practical application of the Act in a number of case scenarios

Training Techniques

Taught, group exercises/case studies, Q&A, Quiz