

# **The Interface Between the Mental Health Act & The Mental Capacity Act**

*A one day course*

This course examines the relationship between the Mental Health Act (MHA) and the Mental Capacity Act (MCA) and in what circumstances each might be used. It explores the different purposes of each Act, where they overlap and the relationship to the deprivation of liberty safeguards. The course also looks at the key pieces of case law in this area and how their findings might be applied in practice. Delegates will have prior knowledge of each piece of legislation but will be wishing to explore their relationship and their appropriate application. The course will examine the human rights basis of the MCA, the provisions in respect of restriction and restraint and when care might move towards deprivation of liberty. We will examine the notion of the primacy of the MHA and look at the circumstances in which this might be the case.

The course aims to raise awareness of the purpose of each Act and to clarify the circumstances in which each might be used in the best interests of vulnerable people.

## **Who is it for?**

The course is designed for frontline staff and their leaders who may already be experienced in the application of either or both pieces of legislation and wish to improve their practice.

## **Learning Objectives**

By the end of the course delegates will:

- Be aware of the key purposes of both Acts
- Understand under what circumstances each might be applied
- Be able to contrast the MHA's criteria with the MCA's key principles
- Understand the difference between best interests decision making and compulsion
- Be familiar with the limited circumstances in which the deprivation of liberty safeguards might apply
- Be familiar with case law relating to the interface

## **Timetable** (may be subject to amendment)

- Session 1    Interface between the MCA and MHA – introduction and overview  
                Create agenda board  
                Reflective practice sheets  
                The purpose of the MCA and its key principles  
                The purpose of the MHA and its criteria for detention  
                *Case study*
- Session 2    Unwise decision making  
                Advance decisions  
                Fluctuating capacity  
                Restriction and restraint  
                *Case study*
- Session 3    Deprivation of Liberty Safeguards  
                Human rights background  
                Circumstances in which the Safeguards might apply  
                Applying for an authorisation  
                The assessment criteria  
                *Case study*
- Session 4    updated review of the case law  
                What do the rulings mean for practice?  
                Revisit agenda board  
                Sources of further information  
                Discussion and questions  
                *Case study*

## **Learning Outcomes**

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

- Compare and contrast the different roles of the MHA and MCA
- Feel confident about the circumstances in which each might apply

## **Training Techniques**

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