

# Mental Capacity Act Update

Edition 20 - February 2009



Welcome to Edition 20 of the Mental Capacity Act Newsletter.

## Latest news

### Plan for keeping people safe (Safeguarding Vulnerable Adults Policy)

December 2008

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	7
8	9	10	11	12	13	
15	16	17				
22	23	24				
29	30	31				



A new plan for keeping adults most at risk safe was set up in December 2008.

Adults at risk means people who can be hurt easily.



This new plan shows what the **Office of the Public Guardian (OPG)** should be doing by law to keep adults safe.

Office of the  
Public Guardian

**DH** Department  
of Health

  
Llywodraeth Cynulliad Cymru  
Welsh Assembly Government



The OPG has written a document to say how it will follow the new rules.



A new plan to show how the OPG and Local Authorities should work together was also written at the end of last year.



This plan shows how the OPG, **Court of Protection (CoP)** and Local Authorities should work together to keep adults safe.



They will all work together to stop abuse by:

- sharing information
- following guidelines.



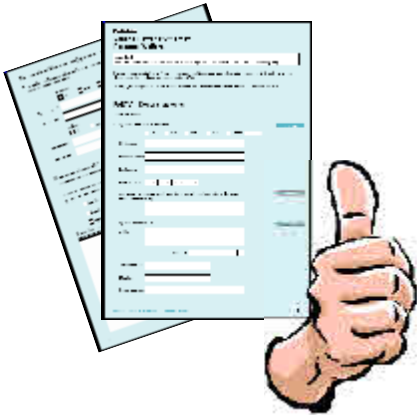
To look at these rules and guidelines, click the link:

**[tinyurl.com/opg-guide](http://tinyurl.com/opg-guide)**

## Looking at how well the Mental Capacity Act (MCA) is doing



We wanted to see what people thought about our ideas to change 3 areas of work done by the OPG and Court of Protection.



These 3 areas were:

1. To make Lasting Power of Attorney forms better.

2. To change how the Public Guardian deals with Deputies.

(Deputies are made by the Court to help people who cannot make decisions for themselves.)

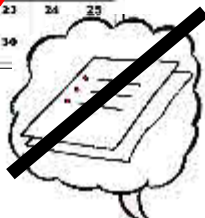


3. To change the charges for the OPG and Court of Protection.



January 2009

Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		



The chance for people to have their say about these 3 things ended on 15 January 2009.



Quite a lot of people told us what they thought.



We held 3 workshops in different parts of England, so everybody could get involved.



We are now collecting information and ideas from everybody's answers.

March 2009						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26			
30	31					



We want to have the results available on our website by March 2009.





## Mental Capacity Act 2005 (MCA) Deprivation of Liberty Safeguards (DOLS)

**Deprivation of Liberty** is when a person is made to stay somewhere, usually in a hospital, so they can be treated.



The **Safeguards** are checks about how to do this.



The Department of Health has just made a booklet with general information about the Deprivation of Liberty Safeguards.



This booklet is now available in 10 different languages.



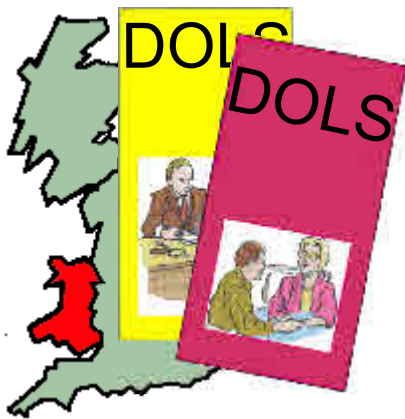
You can find this booklet at:  
**[tinyurl.com/dol-safeguards](http://tinyurl.com/dol-safeguards)**



There will soon be a different set of forms to use called 'MCA DOLS' forms.



We have started work on these forms and on a booklet about how to make an application to the Court of Protection.

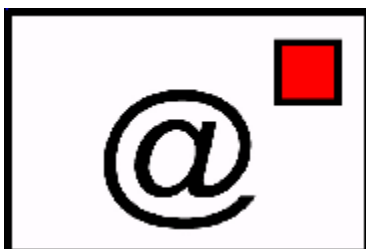


### **Mental Capacity Act 2005 (MCA) Deprivation of Liberty Safeguards (DOLS) Plan Wales**

The Government in Wales will shortly be printing information booklets to show organisations how the Deprivation of Liberty Safeguards works.

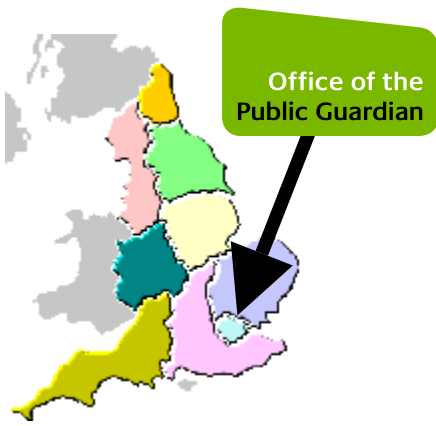


The Welsh Government is also printing some letters and forms that these organisations can use to show what they have done as part of these safeguards.



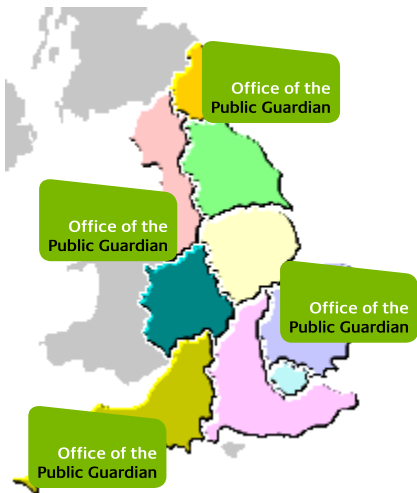
For more information, email:

**Mentalhealthpolicymailbox  
@wales.gsi.gov.uk**

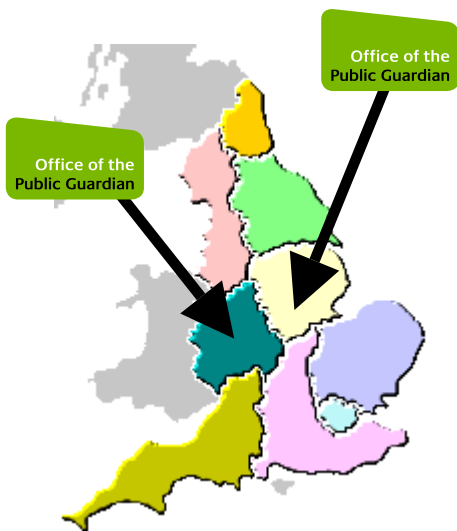


## More centres for the OPG

The OPG only has 1 centre in London right now.



It wants to offer a better service by having centres in different parts of England.



A new centre will open in Birmingham in the next few months.

Another centre will open in Nottingham later on this year.



We will let everybody know how things are going.



## Court of Protection moving to Her Majesty's Courts Service (HMCS)

The Court of Protection will move to Her Majesty's Court Service on the 1st April 2009.



It will then be part of the **Royal Courts of Justice (RCJ) Group**.



The Court of Protection will stay in the same building in Archway until the RCJ Group can find another place for the Court of Protection.



The Court of Protection's move to HMCS is good because:

- they can share everything



- the Court of Protection and RCJ teams can work together better





- they can share guidelines about the law and how to do things properly



- people will have a better understanding of what the OPG and the Court of Protection do.



A special Court of Protection team has already been set up.



To get in touch with the team, phone:

**0845 330 2900**

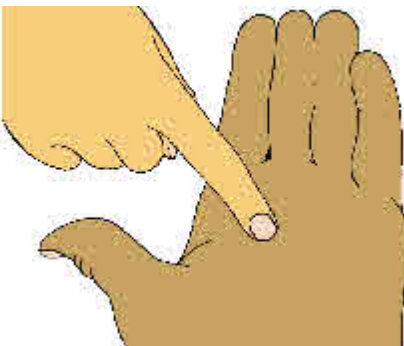
and ask for the Court of Protection team.

Office of the  
Public Guardian

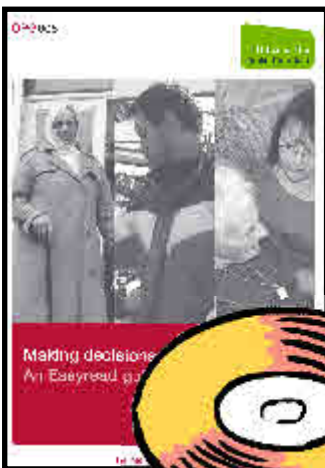


## RNID DVD about Mental Capacity Act 2005

The Royal National Institute for the Deaf (RNID) and the OPG are working together to make a DVD about the Mental Capacity Act 2005.



The DVD is for people who mainly use British Sign Language.



The RNID and OPG have used a booklet called “**Making Decisions: An Easy Read Guide**” to make their DVD.



The DVD is nearly finished. We want it to be ready by the end of March 2009.



## How to contact the Independent Mental Capacity Advocate (IMCA) service

### IMCA service in England

Click on the link for a list of IMCA services in England



<http://tinyurl.com/IMCA-services>

Click on the link for more information on the IMCA service in England



[www.dh.gov.uk/imca](http://www.dh.gov.uk/imca)

or email



[IMCA@dh.gsi.gov.uk](mailto:IMCA@dh.gsi.gov.uk)

### IMCA training in England and Wales

Training can be booked online.

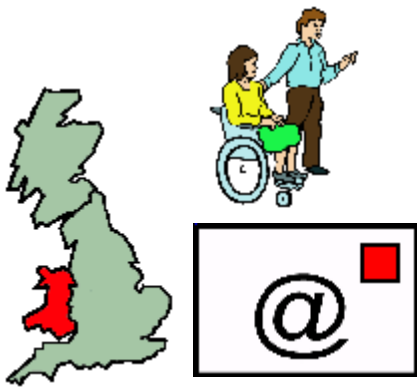


[www.actionforadvocacy.org.uk](http://www.actionforadvocacy.org.uk)

or email to get a booking form



[training@actionforadvocacy.org.uk](mailto:training@actionforadvocacy.org.uk)



## IMCA service in Wales

For more information on the Act in Wales, with a list of IMCA services, email

**Claire.Fife@wales.gsi.gov.uk**



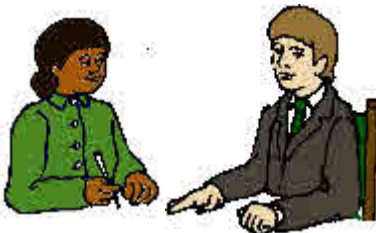
or click on the link

**<http://tinyurl.com/MentalCapacity>**

## IMCA Network



IMCA services in Wales are supported by an IMCA Network, which meets every 2 months.



The Network is now co-chaired by 2 IMCAs, Shanaz Dorkenoo and Sorrel Smith. There is more information on our website.



A national training project is being set up to train IMCAs in keeping adults who are most at risk safe.



## Regional leads to support the Act



In each area there is a person who leads the work on the **Mental Capacity Act**. They are called **regional leads**.

The work of the **regional leads** (contact details below), is to support people in learning about the **Mental Capacity Act**, to help train health and social care workers and support IMCA services.

## Mental Capacity Act



### Yorkshire and Humber



Email: **Bruce.Bradshaw@nimheneyh.nhs.uk**



Telephone: **07940 361 335**



### North East



Email: **Pat.Stewart@csip.org.uk**



Telephone: **07940 361 335**



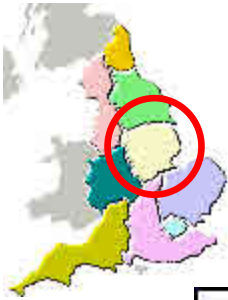
## North West



Email: **Julie.Foster@csip.org.uk**



Telephone: **07976 878 823**



## East Midlands



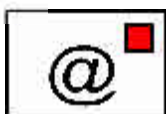
Email:  
**Robert.Nisbet@eastmidlands.csip.nhs.uk**



Telephone: **07824 707985**



## Eastern



Email: **Lou.Brewster@csip.org.uk**



Telephone: **07717 576 822**



## South East



Email: **sjappleton@btinternet.com**



Telephone: **07747 863 973**



## London



Email: **Maggie.Goff@londondevelopmentcentre.org**



Telephone: **07932 612 977**



Email: **Steve.Chamberlain@londondevelopmentcentre.org**



Telephone: **07967 347764**



## South West



Email: **David.Pennington@csip.org.uk**



Telephone: **07799 627 244**



Email:  
**Amanda.Williams@csip.org.uk**



Telephone: **07825 843 356**



## Deprivation of Liberty Safeguards



### Yorkshire and Humber



Email: **Bruce.Bradshaw@nimheneyh.nhs.uk**



Telephone: **07940 361 335**



### North East



Email: **Pat.Stewart@csip.org.uk**



Telephone: **07799 343 356**



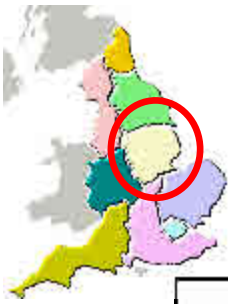
### North West



Email: **Christine.Hutchinson@csip.org.uk**



Telephone: **07500 228 654**



## East Midlands



Email:

**Robert.Nisbet@eastmidlands.csip.nhs.uk**



Telephone: **07824 707 985**



## Eastern



Email: **Joseph.Yow@csip.org.uk**



Telephone: **07917 184 109**



## South East



Email: **Keith.Nieland@csip.org.uk**



Telephone: **07711 980 057**



## South West



Email: **David.Pennington@csip.org.uk**



Telephone: **07799 627 244**



Email: **Amanda.Williams@csip.org.uk**



Telephone: **07799 627 244**



## London



Email:  
**Maggie.Goff@londondevelopmentcentre.org**



Telephone: **07932 612 977**



Email: **Steve.Chamberlain@  
londondevelopmentcentre.org**





## West Midlands



Email: [Ralph.Hall@csip.org.uk](mailto:Ralph.Hall@csip.org.uk)



Telephone: **07825 402 599**



For more information and contact details for the **regional leads** in Wales please email



[Claire.Fife@wales.gsi.gov.uk](mailto:Claire.Fife@wales.gsi.gov.uk)



## Getting in touch with us for more information

You can write to:



**Office of the Public Guardian  
2 Junction Road  
London N19 5SZ**



Or telephone at local rate:

**0845 330 2900**



Or fax:

**0870 739 5780**



Or email:

**[mcaupdate@publicguardian.gsi.gov.uk](mailto:mcaupdate@publicguardian.gsi.gov.uk)**



Website:

**[www.publicguardian.gov.uk](http://www.publicguardian.gov.uk)**

# What the words mean

## **Court of Protection**

is the court that deals with everything to do with the Mental Capacity Act. The court decides what is best for people who cannot decide for themselves.

## **Deprivation of Liberty Safeguards (DOLs)**

are checks for when someone is made to stay somewhere, usually in a hospital. People can only have their freedom taken away from them in a way that the law says.

## **Independent Mental Capacity Advocate**

is someone who speaks up for people who have no family or friends. They help when important decisions have to be made by the NHS or local authorities. Decisions can be made about things like serious medical treatment or moving to a hospital or care home.

## **Lasting Power of Attorney**

is a power a person can give to another person (the Attorney) to make decisions for them about important things in the future. A person can only do this if they understand what it means. They can also put limits on the power they give to their Attorney.

## **Mental Capacity**

is when a person is able to make their own decision about something at a particular time.

## **Mental Capacity Act**

a law about how to support and protect people who cannot make their own decisions because of a problem with the way their mind or brain works. It lets people plan ahead for a time when they may be unable to make their own decisions about some things.

## **OPG - Office of the Public Guardian**

this is a new office set up under the Mental Capacity Act. It:

- helps the Court by looking after the paperwork and applications for Lasting Powers of Attorney and deputies
- keeps an eye on deputies to make sure they are doing their job properly
- works with the police and social services when they think that somebody may have been abused.

**Her Majesty's Court Service (HMCS)**

This service runs all of the main courts in England and Wales.

**Royal Courts of Justice (RCJ) Group**

is an organisation that looks after different areas. Each area has its own courts. The Royal Court of Justice building is home to both the Court of Appeal and the High Court.



## Credits

This paper has been designed and produced for the Office of the Public Guardian by the 'EasyRead' service at Inspired Services. Ref ISL331/08. February 2009.



Artwork is from the Valuing People Clipart collection and cannot be used anywhere else without written permission from Inspired Services.

To contact Inspired Services:



[www.inspiredservices.org.uk](http://www.inspiredservices.org.uk)