

# Mental Capacity Act Update

edition 10 | November 2006

Welcome to this easy read version of the Mental Capacity Act Update. This gives you some information on the things that we are doing before the Act starts next year.



If you know other people who would like to read this update then please pass it on to them.



We will make new updates every few months. If you would like to be added to our mailing list then please email [makingdecision@dca.gsi.gov.uk](mailto:makingdecision@dca.gsi.gov.uk).



*This update is a joint communication from the Mental Capacity Implementation Programme whose members are:*

## IMCA Service update – In England

### Independent Mental Capacity Advocate (IMCA)

#### Commissioning Service

Independent Mental Capacity Advocates (IMCA) will help people who cannot make decisions about medical treatment or where they live, and have no one to support them

Turning Point has made guidance for commissioners on the Independent Mental Capacity Advocate (IMCA) service.

This was funded by the Department of Health.

You can download this guidance on the internet by going to this website, <http://www.turning-point.co.uk/Information+Resources/Publications/Publications.htm>.

Action for Advocacy has also made a guide to tell advocacy organisations how they can get money to run the Independent Mental Capacity Advocate (IMCA) service.

You can download this guide on the internet by going to this website, <http://www.actionforadvocacy.org.uk>

You can find more information on the Independent Mental Capacity Advocate (IMCA) service by going to this website, [www.dh.gov.uk/imca](http://www.dh.gov.uk/imca)



**TURNING POINT**  
turning lives around



**DH** Department of Health



**aa** action for advocacy



## Independent Mental Capacity Advocate (IMCA) Regulations

Regulations give more detail about how laws will work.



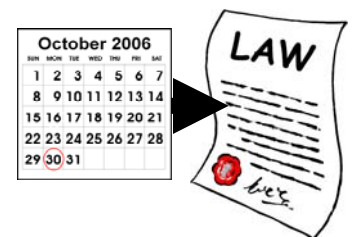
The regulations tell people how the Independent Mental Capacity Advocate (IMCA) service in England will be set up and what they will do.



The regulations also allow local authorities and the National Health Service (NHS) to provide the Independent Mental Capacity Advocate (IMCA) service in other situations. This includes where someone may be harmed involving a person who lacks capacity, and meetings to talk about the care given to someone who lacks capacity.



The regulations became law in October 2006



If you would like to find out more about this then you can download it on the internet by going to this website,

<http://www.opsi.gov.uk/si/si200618.htm> or

<http://www.opsi.gov.uk/si/dsis2006.htm> and then search for Mental Capacity.



# IMCA Commissioning Service Wales

## Independent Mental Capacity Advocate (IMCA)

### Commissioning Guidance

The Welsh Assembly Government has made guidance for commissioners on the Independent Mental Capacity Advocate (IMCA) Commissioning Service.



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

You can find more information by going to this website

[http://new.wales.gov.uk/topics/health/nhswales/healthservice/mental\\_health\\_services/mentalcapacityact/?lang=en](http://new.wales.gov.uk/topics/health/nhswales/healthservice/mental_health_services/mentalcapacityact/?lang=en).



You can also email Sarah Austin at this email address

[sarah.austin@wales.gsi.gov.uk](mailto:sarah.austin@wales.gsi.gov.uk)



## Independent Mental Capacity Advocate (IMCA) regulations

The Welsh Assembly Government got 19 responses from the consultation on the Independent Mental Capacity Advocate (IMCA) service. The responses have been looked at and a report will be sent to the Health and Social Services Minister.



The regulations on the Independent Mental Capacity Advocate (IMCA) and Research are being looked at by the Health and Social Services Committee on the 13 December 2006.

December 2006						
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1	2	3	4	5	6	7
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## Health and Social Care update

### Resources to support the implementation of the Mental Capacity Act In England



The Department of Health is helping local authorities who deal with social care to:

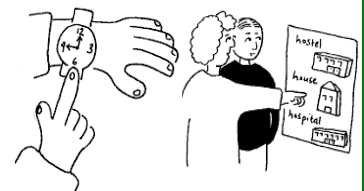
- Train staff about the Mental Capacity Act



- Commission an Independent Mental Capacity Advocate service



- Give more time to staff who need to make assessments about someone's capacity



You can find more information by going to this website,  
<http://www.dh.gov.uk/PublicationsAndStatistics/LettersAndCirculars>



and look at Local Authority Circular no 15.

## Regional leads to support the implementation of the Act

All of the Care Services Improvement Partnership (CSIP) regional leads have been chosen. These are staff who can give information on the Mental Capacity Act.



If you would like to contact them, their phone number and email addresses are in the table below.

They will help people who work in health and social care to learn about the new Act by having events and doing activities.



CSIP Region	Email contact details	Telephone
North East, Yorkshire and Humber	<a href="mailto:Bruce.Bradshaw@nimheneyh.nhs.uk">Bruce.Bradshaw@nimheneyh.nhs.uk</a>	07940 361335
North West	<a href="mailto:Paul.Greenwood@northwest.csip.org.uk">Paul.Greenwood@northwest.csip.org.uk</a>	07795 963509
East Midlands	<a href="mailto:Sylvia.Manson@eastmidlands.csip.nhs.uk">Sylvia.Manson@eastmidlands.csip.nhs.uk</a>	07810 636462
Eastern	<a href="mailto:Lou.Brewster@nemhpt.nhs.uk">Lou.Brewster@nemhpt.nhs.uk</a>	01206 287541
South East	<a href="mailto:Keithnieland@aol.com">Keithnieland@aol.com</a>	07711 980057
London	<a href="mailto:Sarah.Haspel@londondevelopmentcentre.org">Sarah.Haspel@londondevelopmentcentre.org</a>	07768 045166
South West	<a href="mailto:David.Pennington@nimhesw.nhs.uk">David.Pennington@nimhesw.nhs.uk</a>	07799 627244
West Midlands	<a href="mailto:Colin.Vines@csip.org.uk">Colin.Vines@csip.org.uk</a> <a href="mailto:Richard.Bartholomew@csip.org.uk">Richard.Bartholomew@csip.org.uk</a>	07748 703687 07748 541956

## Resources to support the implementation of the Mental Capacity Act in Wales

The Welsh Assembly Government is making money available for all Local Health Boards, Local Authorities and NHS Trusts.

The money will help organisations get ready for the Act.

You can find more information by going to this website,

[http://new.wales.gov.uk/topics/health/nhswales/healthservice/mental\\_health\\_services/mentalcapacityact/?lang=en](http://new.wales.gov.uk/topics/health/nhswales/healthservice/mental_health_services/mentalcapacityact/?lang=en)

You can also email Sarah Austin at

[sarah.austin@wales.gsi.gov.uk](mailto:sarah.austin@wales.gsi.gov.uk)



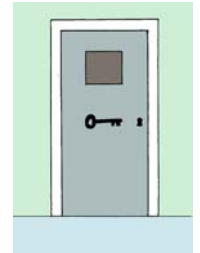
Llywodraeth Cynulliad Cymru  
Welsh Assembly Government





## 'Bournewood' Safeguards

The 'Bournewood' safeguards are about changing the Mental Capacity Act to give protection to people with a serious problem with their mind or brain who cannot say what they want and need to be kept in hospital or in a care home to protect them from harm.



The Mental Health Bill was put into Parliament on the 16<sup>th</sup> November.



The Bill is mainly about making changes to the Mental Health act 1983 but it will also include things on 'Bournewood' safeguards which will affect the Mental Capacity Act 2005.



You can find more information about the Mental Health Bill and the 'Bournewood' safeguards by going to this website,  
[www.dh.gov.uk](http://www.dh.gov.uk)



## Communication and Events

### Information on the Mental Capacity Act



#### Booklets

We have made some booklets, which gives information on the Mental Capacity Act. There are 3 booklets:

- A guide for people who may lack capacity and people who wish to plan ahead (booklet 1)



- A guide for family, friends and other unpaid carers (booklet 2)



- A guide for people who work in health and social care (booklet 3)



We will also be making a booklet for legal professional and advice workers and one for people with learning disabilities.

## Leaflet

We have also made a Mental Capacity Act leaflet to let people and organisations know about the new Act.

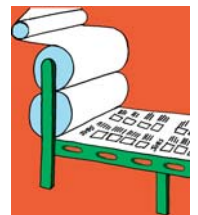


You can download these booklets and leaflet on the internet by going to this website,

<http://www.dca.gov.uk/legal-policy/mental-capacity/publications.htm>.



If you would like printed copies of the booklets or leaflets then you can:



Call us on 0207 2100038 or 0207 2100039



Email us at [makingdecisions@dca.gsi.gov.uk](mailto:makingdecisions@dca.gsi.gov.uk)



## October Workshops

We had 3 events in October to update people on the Act and hear what people had to say about it.

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
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20	21	22	23	24	25	26
27	28	29	30	31		

They were held in Leeds, London and Cardiff.

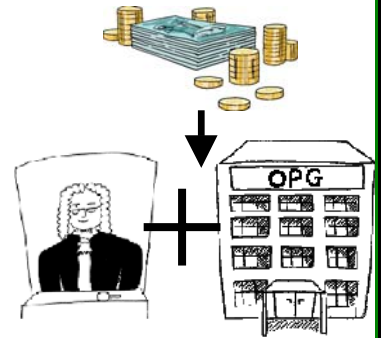


Thank you to everyone who came.



## Consultations and Responses to consultations

We are consulting on the Court of Protection and Office of the Public Guardian Fees. This will end on the 29<sup>th</sup> November



We will be consulting on the Welsh Language Scheme for the Office of the Public Guardian (OPG).

This will start in late November.

November 2006						
SUN	MON	TUE	WED	THU	FRI	SAT
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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	31		

It will be available on the internet at [www.guardianship.gsi.gov.uk](http://www.guardianship.gsi.gov.uk)



You can email, [ravina.kotecha@guardianship.gsi.gov.uk](mailto:ravina.kotecha@guardianship.gsi.gov.uk) if you would like printed copies.



We issued a response to the consultation on the draft Code of Practice for the Mental Capacity Act on 29<sup>th</sup> September.



You can download these consultations and responses on the internet by going to this website, <http://www.dca.gov.uk/legal-policy/mental-capacity/publications.htm>



You can phone us on 0207 2100038 or 0207 2100039



You can email us at making [decisions@dca.gsi.gov.uk](mailto:decisions@dca.gsi.gov.uk)



Thank you to Inspired Services and Change for use of their picture banks.

