

# Mental Capacity Act Update

edition 9 | **September 2006**

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**Welcome to the edition 9 of the *Mental Capacity Act Update*. We hope you like the new look of *Update* and find the new sections, like 'jargon box', useful and informative.**

We are also considering running more in depth articles on specific areas of the Act and the services it will introduce in future editions. Please let us know if you have any suggestions or ideas you would like to see included.

If you know anyone who is interested in the Mental Capacity Act, or who may be affected by this new law, please forward this newsletter to them.

If you would like to get future editions of Update please email [makingdecisions@dca.gsi.gov.uk](mailto:makingdecisions@dca.gsi.gov.uk) to subscribe. Likewise, to unsubscribe please email us.

## What's new?

### **NEW** Induction training pack for IMCAs

The Department of Health working with the Social Care Institute for Excellence (SCIE) has commissioned Action for Advocacy (A4A) to develop induction training materials for people who are appointed to act as IMCAs in England and Wales. The pack is scheduled to be ready by January 2007.

The material will be developed by A4A and a consortium of partner agencies who plan to consult with a range of users and providers of advocacy services as well as health and social care professionals.

For more information on the IMCA service visit [www.dh.gov.uk/imca](http://www.dh.gov.uk/imca)

### **NEW** Information booklets on the Mental Capacity Act

The Department for Constitutional Affairs (DCA) has commissioned the Making Decisions Alliance (MDA) and the National Care Association (NCA) to write information booklets on the Mental Capacity Act. The booklets are scheduled to be ready in October 2006.

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

The purpose of the booklets is to increase awareness of the Mental Capacity Act prior to its implementation in April 2007. They will provide introductory information on the Act and how to access new services and they will be customised for key audiences affected by the Act. The MDA is writing 2 booklets, one for people who may lack capacity and people who wish to plan ahead and the other for family and unpaid carers. The NCA is writing a booklet for people who work in health and social care

We also plan to commission a booklet for people with learning disabilities and one for lawyers and advice workers.

## **Independent Mental Capacity Advocate service update**

### **Consultation on draft regulations for the IMCA Service in Wales**

The Welsh Assembly Government (WAG) is consulting on the draft regulations for the IMCA (Independent Mental Capacity Advocate) service in Wales. The consultation started on 28 July and closes on **27 October 2006**.

If you would like a copy of the consultation, please contact Sarah Austin by emailing [sarah.austin@wales.gsi.gov.uk](mailto:sarah.austin@wales.gsi.gov.uk). To download the consultation go to [www.wales.gov.uk/consultations/currentconsultations](http://www.wales.gov.uk/consultations/currentconsultations) and then go to the Health and Social Care section.

### **IMCA regulations in England**

The Department of Health (DH) has consulted with interested parties on the operation and implementation of the IMCA Service in England and has recently laid regulations on the IMCA service in Parliament. For more information please visit [www.dh.gov.uk/imca](http://www.dh.gov.uk/imca).

### **Commissioning and funding the IMCA service**

The DH has estimated that the cost of the IMCA service in England will be £6.5m per annum and is making this new resource available through the annual local authority settlement using a population based formula.

Local Authorities working in partnership with Primary Care Trusts (PCTs) will commission the IMCA service during 2006. DH has issued guidance that identifies some of the issues for local authorities to consider when deciding how to commission the new IMCA service. For more information go to [www.dh.gov.uk/imca](http://www.dh.gov.uk/imca).

Throughout August and September the eight Care Services Improvement Partnership (CSIP) regional leads are holding regional events to support the process of commissioning the IMCA service.

The Welsh Assembly Government will shortly be deciding on the funds to be made available to Local Health Boards, through their annual allocation to provide the IMCA service in Wales.

## **Health and Social Care update**

### ***NEW* Best practice tool to prepare for implementation**

The DH has developed a best practice tool to assist organisations to test their readiness to comply with the requirements of the Act and to assist local implementation initiatives.

In England the tool is available to local authorities, NHS Trusts and Foundation Trusts who provide community and hospital based services, as well as independent and voluntary

hospitals, to assist them to successfully implement the Act. For more information and to download the tool go to <http://www.dh.gov.uk/PublicationsAndStatistics/Bulletins/ChiefExecutiveBulletin/> and then go to Chief Execs Bulletin, Issue 329, 28 July - 3 August 2006.

The DH will shortly publish a best practice tool adapted to the needs of the independent and voluntary social care sector.

In Wales, a similar best practice tool has been made available to Local Health Boards, local authorities and NHS Trusts who provide health and social care services and in Wales. For more information please email [sarah.austin@wales.gsi.gov.uk](mailto:sarah.austin@wales.gsi.gov.uk)

## Training funds

In England, DH will shortly inform all Adult Directors of Social Services of the allocation of funds to support organisations to raise awareness of, and train their staff in, the implications of the Act. The budget allocation will be for the planned and agreed use by all health and social care staff in each local authority's geographical area.

In Wales, the Welsh Assembly Government will shortly make available training grants worth £9,000 for each Local Health Board, Local Authority and NHS Trust in Wales to assist each organisation in training their staff in their duties and responsibilities under the Act. If you would like any more information on training for health and social care practitioners, please email [sarah.austin@wales.gsi.gov.uk](mailto:sarah.austin@wales.gsi.gov.uk)

## Care Service Implementation Partnership (CSIP) Regional Leads

Eight regional leads have now been appointed and all will be in post in September. They will support the implementation of the Act by holding and supporting awareness raising activities and events and assisting with the education and training of health and social care staff who will be affected by the Act.

The contacts for the regional leads are:

CSIP Region	Email contact details	Telephone
North East, Yorkshire and Humber	<a href="mailto:Bruce.Bradshaw@RotherhamPCT.nhs.uk">Bruce.Bradshaw@RotherhamPCT.nhs.uk</a> or <a href="mailto:Bruce.Bradshaw@virgin.net">Bruce.Bradshaw@virgin.net</a>	07747101100
North West	<a href="mailto:Paul.Greenwood@northwest.csip.org.uk">Paul.Greenwood@northwest.csip.org.uk</a>	07795 963 509
East Midlands	<a href="mailto:Sylvia.Manson@eastmidlands.csip.nhs.uk">Sylvia.Manson@eastmidlands.csip.nhs.uk</a> <a href="mailto:Mansonsylvia@hotmail.com">Mansonsylvia@hotmail.com</a>	
West Midlands	<a href="mailto:Dora.Jonathan@nimhe.wmids.nhs.uk">Dora.Jonathan@nimhe.wmids.nhs.uk</a>	0121 678 4851
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>	01256 376394
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

## Local implementation networks

The DH has also issued further guidance to support the setting up of 150 multi-agency local implementation networks, based on the geographical boundaries of Social Services departments in England. For more information please contact your regional lead or go to go to <http://www.dh.gov.uk/PublicationsAndStatistics/Bulletins/ChiefExecutiveBulletin/> and then go to Chief Execs Bulletin, Issue 329, 28 July - 3 August 2006.

## Communications and Events

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### Information leaflet on the Mental Capacity Act

An information leaflet on the Mental Capacity Act is now available. The leaflet is aimed at increasing public awareness of the Act through organisations who work with or represent people who will be affected by the Mental Capacity Act. For more information please contact our Communications Team by calling 020 7210 0039 or emailing [makingdecisions@dca.gsi.gov.uk](mailto:makingdecisions@dca.gsi.gov.uk)

### October workshops

The Mental Capacity Implementation Programme (MCIP) is holding three workshops in October to bring you up to date with recent developments, advise you of the plans for the next few months of implementation and to receive your feedback on the work we are doing. Presentations will include updates about implementation plans within the Department of Health, the Welsh Assembly Government and the Public Guardianship Office.

The events are to be held during the morning, followed by lunch. The venues will be in:

- Tuesday 3 October, Central Leeds
- Friday 6 October, North London
- Wednesday 11 October, Central Cardiff

Places are limited and we anticipate the demand for the London event will be particularly high. If you are interested in attending a workshop please complete and return the attached expression of interest form.

## Consultations and responses to consultations

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### We are currently consulting on:

- the rules for the new Court of Protection - closes on **3 October 2006**
- the research regulations for the Mental Capacity Act in England - closes on **5 September 2006**
- the draft IMCA regulations in Wales - closes on **27 October 2006**

### We will be consulting on:

- the Court of Protection and Office of the Public Guardian fees - which will start in **September**

### We have issued a response to:

- the consultation on the forms and guidance for making a Lasting Power of Attorney (LPA) on **17 July 2006**

For more information or to view a copy of a consultation or response document please go to <http://www.dca.gov.uk/legal-policy/mental-capacity/index.htm> or contact the Communications Team by calling 0207 210 0038/39 or emailing [makingdecisions@dca.gsi.gov.uk](mailto:makingdecisions@dca.gsi.gov.uk).

## Jargonbox

Your guide to abbreviations and terminology used in Update

**A4A** - Action for Advocacy - a central point of information on advocacy for advocacy providers and the voluntary sector. For more information go to [www.actionforadvocacy.org.uk](http://www.actionforadvocacy.org.uk)

**CSIP** - Care Services Improvement Partnership. For more information go to [www.csip.org.uk](http://www.csip.org.uk)

**DCA** - Department for Constitutional Affairs

**DH** - Department of Health

**IMCA** - Independent Mental Capacity Advocate - a new safeguard introduced by the Mental Capacity Act to protect the rights of the most vulnerable. They will be appointed to support and represent people who lack capacity to make decisions about serious medical treatment or changes in their long-term accommodation and who have no family or friends to support them. For more information go to [www.dh.gov.uk/imca](http://www.dh.gov.uk/imca)

**MCIP** - Mental Capacity Implementation Programme - a joint Programme between the DCA, DH, the PGO and WAG, established to implement the organisation, process and procedures to launch the Mental Capacity Act in 2007.

For more information go to <http://www.dca.gov.uk/legal-policy/mental-capacity/index.htm>

**MDA** - Making Decisions Alliance - an alliance of national and regional organisations who represent older people and people with disabilities. For more information go to <http://www.makingdecisions.org.uk/>

**NCA** - National Care Association. Represents the interests of over 2,000 independent care providers. For more information go to <http://www.nca.gb.com>

**PGO** - Public Guardianship Office. For more information to [www.guardianship.gov.uk](http://www.guardianship.gov.uk)

**SCIE** - Social Care Institute for Excellence - An independent registered charity whose role is to develop and promote knowledge about best practice in social care. For more information go to [www.scie.org.uk](http://www.scie.org.uk)

**WAG** - Welsh Assembly Government. For more information go to [www.wales.gov.uk](http://www.wales.gov.uk)

### Contact details

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website: [www.dca.gov.uk/legal-policy/mental-capacity/index.htm](http://www.dca.gov.uk/legal-policy/mental-capacity/index.htm)