

# Mental Capacity Act Update

Edition 18 - July 2008



Welcome to Edition 18 of the Mental Capacity Act Newsletter.

## Latest news

### Goodbye from Richard Brook



As many of you may know I have a new job, running Sense, the organisation working with people who are deaf blind.

This will bring new chances and is very exciting but I will be sad to leave the **Office of the Public Guardian** (OPG).



While at the OPG, I have had strong support from people involved in making the new laws work.

Office of the  
Public Guardian





I hope that you and your organisation will carry on working with the OPG so that services carry on changing for the better, giving people more choice and protection.



There are plans to check on the OPG soon and this will mean that everyone will know about how well it works and what can be learnt from last 9 months.

I am sure that you will all want to be involved in this.

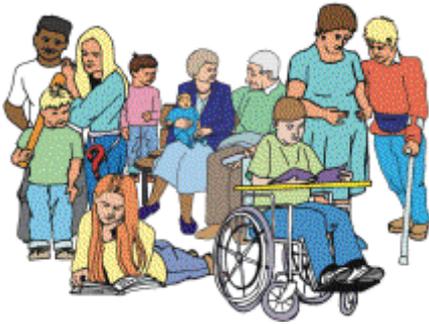


## Message from Martin John

As you may have already found out, I am the new **Public Guardian** and will be running the OPG.

July 2008						
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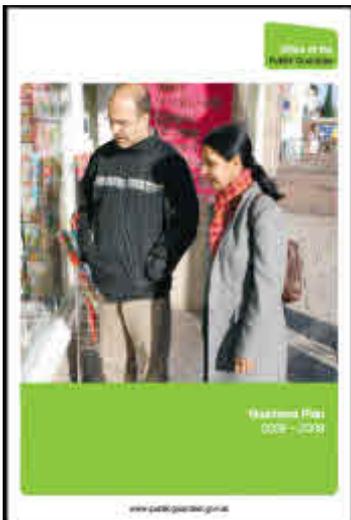
I officially started the job on 10 July, but I started working with Richard earlier so a handover could take place.



It is a very important job – one that affects the lives of many people.



I know there is a lot to do and I look forward to the OPG working with you to make a real difference to people who need our services.



## Plans for 2008 – 2009

You can see the new OPG Business Plan for 2008 – 2009 on the internet.



Mainly, we will be looking at how we can always give a good service.



The OPG has 5 main aims:

1. There will be a better service for people who don't have capacity and the people who support them in their decision making.



2. We will make sure that we are involved as much as possible with people who don't have capacity, the people who support them in their decision making and other people and organisations who have an interest in our work so that everyone knows about our services.



3. In 2008 and 2009 we will be making sure our staff have the skills they need to do their jobs well.



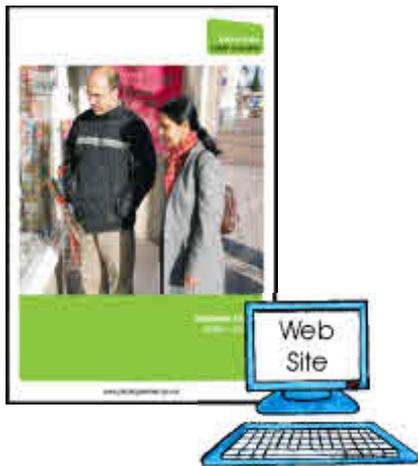
4. We aim to have modern ways of working so that we can carry on getting better at running our services.



5. We will look into how the **Mental Capacity Act** 2005 has changed people's lives.



The Business Plan also explains how everyone can tell if the OPG and **Court of Protection** are working well.



To read the full OPG Business Plan 2008–2009 click on the link:

<http://tinyurl.com/68s82e>



## Deprivation of Liberty Safeguards for England in Parliament

**Deprivation of Liberty** is when a person is made to stay somewhere, usually so they can be treated in a hospital. The safeguards are checks about how to do this.



Parliament has looked at these rules about **Mental Capacity** and **Deprivation of Liberty**.



These rules say:

- who can decide if someone can make decisions (an assessor)



- how long assessments should take



- what information needs to be given when thinking about making someone stay somewhere



- what must be done if a person does not agree about a decision.



To read the rules click on the link:

<http://tinyurl.com/6xeu2g>

## Deprivation of Liberty Code of Practice in Parliament



The Code of Practice has the rules about how everyone should work when a person is made to stay somewhere.

Parliament has looked at these rules.



This Code will be used with the main MCA Code of Practice, which has already been agreed.



When Parliament have done all their work and the Code and rules are agreed they will be ready in late July.



It is planned that everyone will follow the Code of Practice and rules from April 2009.



For more information, click on the link:

<http://tinyurl.com/63emo7>



## How we found out what people thought about the Deprivation of Liberty Safeguards and the Code of Practice

The Department of Health has written a report about how we found out what people thought about the **Deprivation of Liberty Safeguards** and the Code of Practice.



To find out more, click on the link:

<http://tinyurl.com/5zz45g>



## Other News

### How much work are we doing

We think the number of **Lasting Power of Attorneys** (LPAs) who registered in the first year will be twice the old **Enduring Power of Attorneys** (EPAs).



The number of LPAs is much higher than we thought and signing them up is taking up to 13 weeks.



To keep everyone interested in our work up to date we have set up an information page on our internet site, click on the link:

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



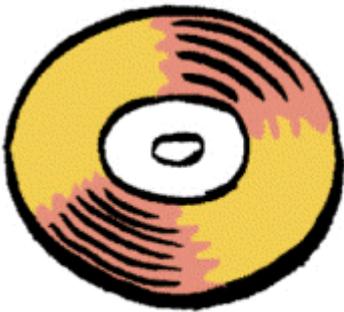
## Website News

All **Court of Protection** forms on our website, can now be filled in and saved on your computer.



The OPG forms to make a LPA can also be filled in and saved on your computer, click on the link:

<http://tinyurl.com/6gray6>



## OPG Information CD

An up to date OPG information CD, with all the forms and guidance and the film '3 stories' will be ready from the end of July.

## Independent Mental Capacity Advocate (IMCA) service update



### IMCA's yearly meeting

The first ever IMCA meeting was held in April in London. This will be held every year now.



Over 200 IMCAs came to the meeting, which was organised by Action for Advocacy (A4A).



The speakers included Anne McGuire the Minister for Disabled People, A4A's Chief Executive Rick Henderson and the **Public Guardian**, Richard Brook.



A group chaired by David Brindle of The Guardian talked about advocacy and there were different workshops. The workshops gave IMCAs the chance to talk about the way that they work and problems they have.



They also looked at other things such as how to talk to people, what to do if you don't agree with a decision, writing reports and the work of IMCAs in keeping adults safe and in the **Deprivation of Liberty Safeguards**.



## **Yearly Report on the IMCA Service**

The Department of Health has written a report on the IMCA Service, which will be ready later this month. This will come out each year.



## IMCA service in England

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

<http://tinyurl.com/5gc8n2>

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

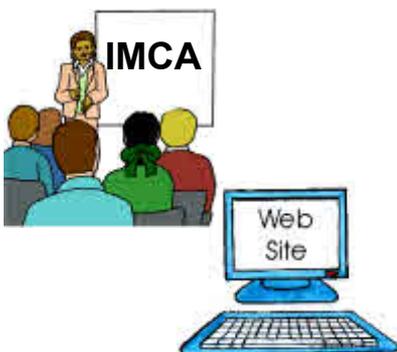


[www.dh.gov.uk/imca](http://www.dh.gov.uk/imca)

or email



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



## IMCA training in England and Wales

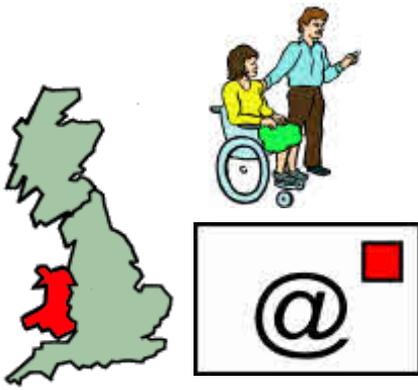
Training can be booked online. click on the link

[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

**Sarah.Austin@wales.gsi.gov.uk**

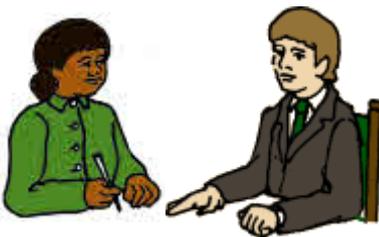


or click on the link

**<http://tinyurl.com/6phnrxr>**



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.



# Health and Social Care update

## Local council letter

The Department of Health sent out a letter to local councils that says how much money can be spent from 2008 to 2009 for the **Mental Capacity Act**.



It also says how much money they think can be spent in 2009 to 2010 and 2010 to 2011. To see it click on the link:

<http://tinyurl.com/43tjev>

## Dear Colleague Letter



The Department of Health sent out a letter that says how much NHS organisations can spend on work for the **Mental Capacity Act** from 2008 to 2009. Click on the link:

<http://tinyurl.com/6kb93h>

## 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



### North East, Yorkshire and Humber



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



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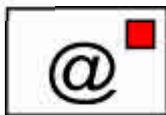


Telephone: **07825 402 599**



## Deprivation of Liberty Safeguards

### North East, Yorkshire and Humber



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Vacant



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Telephone: **07967 347764**



## West Midlands



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Telephone: **07825 402 599**



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



**sarah.austin@wales.gsi.gov.uk**

# Getting in touch with us for more information

You can write to:



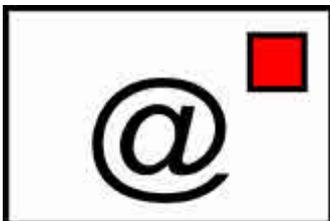
Or telephone at local rate:

**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**

the new court which deals with everything to do with the Mental Capacity Act. The court decides what is best for people who cannot decide for themselves. It can make decisions about money and property and care and treatment.

## **Deprivation of Liberty**

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

## **Deprivation of Liberty Safeguards**

are checks about how to do this. People can only have their freedom taken away from them in a way that is set out by law.

**Enduring Power of Attorney** is a power a person used to be able to give to another person to make decisions for them about money and what they own.

## **Independent Mental Capacity Advocate**

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 certain 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.

## **Public Guardian**

the head of the Office of the Public Guardian.

## **Regional leads**

in each area there is a person who leads the work on the MCA. They are called regional leads.

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