

Mental Capacity Act Update

Edition 19 - October 2008



Welcome to Edition 19 of the Mental Capacity Act Newsletter.

Latest news

Yearly report on the Office of the Public Guardian

The first yearly report on the **Office of the Public Guardian** (OPG) is now ready on our website.



It contains:

- information about how well the OPG worked between October 2007 and March 2008



Office of the
Public Guardian





- a separate yearly report to the Lord Chancellor about how the Public Guardian did his job.

For more information and to read the report click the link:



<http://tinyurl.com/4tmp27>

Public Guardian Board



The Public Guardian Board is a separate group that keeps an eye on the way the Public Guardian works.

October 2008						
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	31		

The first ever Public Guardian Board meeting was held in London on 7th October.

October 2008						
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	31		

There will then be a Board meeting in Cardiff on 22nd October for workers from different services in Wales.





At these meetings, the Board wants to:

- see how the **Mental Capacity Act** (MCA) has been put in place in England and Wales



- talk about the main jobs for next year's meetings with people and organisations who are interested in our work.

Other News

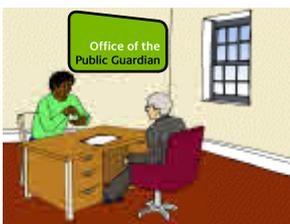
Mental Capacity Act (MCA) Review



We promised to look at the Act a year after this law was passed.

We will start to make a detailed study of the whole Act in October by looking at:

- what the OPG does
- the Court of Protection
- supervision.





We will also take a look into how the **Independent Mental Capacity Advocates** service (IMCAs) is working.

January 2009

Mon	Tue	Wed	Thu	Fri	Sat	Sun
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5	6	7	8	9	10	11
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This part of the study is due to start in January 2009 and will take about 1 year.



The aim of both parts of the study is to see if the MCA and the IMCA service have changed people's lives for the better.

Lasting Power of Attorney (LPAs) Registration and Court of Protection (CoP) Update



Registration means to be signed up to a list.



In the 1st year, lots of people asked to be signed up as LPAs. Thanks to a great team we are catching up with this work. Before it took us 13 weeks to sign people up.



We can now sign up new LPAs in just 10 weeks.



The Court of Protection has 1000 forms left to do, and they will be done by November.



More than 9000 people have been made Deputies.



With the help of regional courts, Archway has heard and judged on most of its cases in a short time.

We plan to hire 2 more judges for Archway.

Supervision of Deputies



We have a team which makes sure that Deputies are making the right decisions for people about money and what they own. It is called the Supervision team.



The team needs to keep checking that Deputies work fairly and equally, and are providing the right amount of protection for people. This is very important, because about 200 new Deputies are made every week.



The team also has to deal with Deputies and Attorneys who may not be making the right decisions for people.

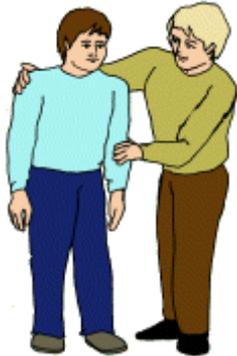


Since the year the MCA was put into place, the number of cases has gone up quite a lot. Some cases have gone back to Court and some Deputies' and Attorneys' powers have been taken away.

Supervision work helps the OPG's aim of keeping adults most at risk free from abuse by:



- providing training to spot abuse and stop it from happening



- working with local services on cases where adults need to be protected.

Local services have agreed to the OPG's plan and they will work with the OPG by the end of the year.

Plan for Deprivation of Liberty Safeguards



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.



The rules for **Deprivation of Liberty Safeguards** have played a very important part in starting training and sharing information across England.



Putting the rules in place will support health and social care systems to:

- have properly trained workers in the right place and at the right time



- give information for workers

- give the same information in lots of different ways for people who are made to stay somewhere, carers, families and people who use services.



The rules will give extra legal backup for:

- training workers who protect adults at risk



- setting up ways of making sure checks work



- getting better information to people who use services, carers and families.

You can find more news and information at:



<http://tinyurl.com/LibertySafeguards>

Short term plan for checking on Deprivation of Liberty



We expect to be working on a large number of assessments when the Safeguards are put in place next April.



To read the short term plan click the link:
<http://tinyurl.com/LibertySafeguardsShort>



Social care services and NHS managers need to make sure that the right workers know the rules and how the short term plans work with the Deprivation of Liberty Safeguards.

Independent Mental Capacity Advocate (IMCA) service update



IMCA's Yearly Report

Click the link for the IMCA's first yearly report:



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



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

or email



IMCA@dh.gsi.gov.uk



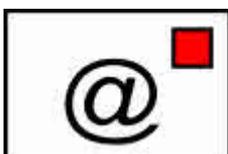
IMCA training in England and Wales

Training can be booked online.

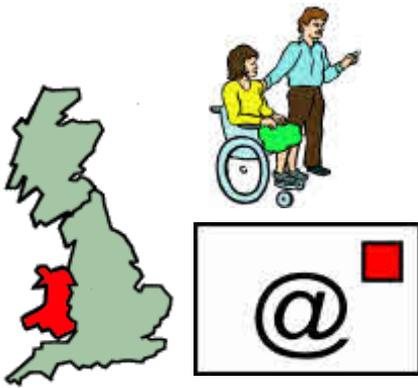
www.actionforadvocacy.org.uk



or email to get a booking form



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/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



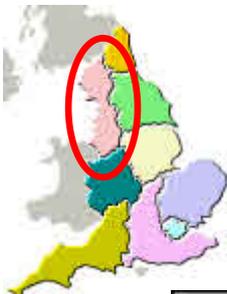
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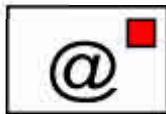
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West Midlands



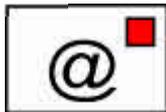
Email: Ralph.Hall@csip.org.uk



Telephone: **07825 402 599**



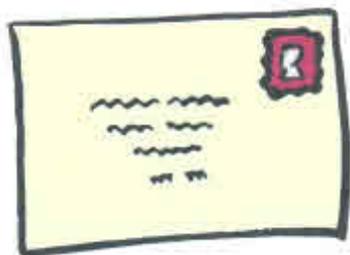
For more information and contact details for the **regional leads** in Wales please email



sarah.austin@wales.gsi.gov.uk

Getting in touch with us for more information

You can write to:



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



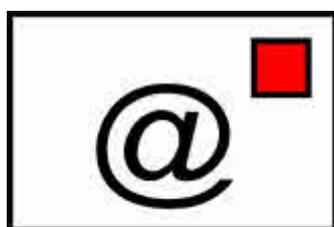
Or telephone at local rate:

0845 330 2900



Or fax:

0870 739 5780



Or email:

mcaupdate@publicguardian.gsi.gov.uk



Website:

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.

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.

Credits



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