Welcome to Gloucestershire’s first Mental Capacity Act (MCA) and Safeguarding Adults Newsletter produced jointly by Mental Capacity Act Governance Group (MCAGG) and the Safeguarding Adults Board (SAB). It will provide quarterly news updates and information about current topics relating to Safeguarding Adults, the Mental Capacity Act and the Deprivation of Liberty Safeguards (DOLS).

The aim of the Newsletter is to actively engage with professionals and the public to raise awareness of the MCA 2005, a statutory and quality framework to empower and protect some of the most vulnerable people in society. It makes it clear who can take decisions, in which situations, and how they should go about this in respect of people who lack capacity to make particular decisions for themselves. It also enables any member of the community to plan for the time when they may lack capacity.

The MCAGG’s overall aim is to lead implementation of the MCA in Gloucestershire, ensuring good practice and a coherent approach across organisations within the MCAGG vision. Terms of reference can be found on the GCC MCA website www.gloucestershire.gov.uk/MCA and MCA Governance Manager details on the back of this newsletter.

The Newsletter also highlights the Safeguarding agenda for all people who work with or support Adults at Risk including family carers, and those people who use services. “Safeguarding is a range of activities aimed at upholding an adult’s fundamental right to be safe at the same time as respecting people’s rights to make choices. Safeguarding involves empowerment, protection and justice.” (Safeguarding Adults Scrutiny Guide, 2010)

As you go through the Newsletter you will often find that by clicking on the pictures shown or hyperlinks that this will also take you to additional information.
Gloucestershire Mental Capacity Act 2005 Multi-Agency Policy, Procedure and Guidance (updated April 2014)

Gloucestershire’s revised MCA Multi-Agency Policy, Procedure and Guidance (2014) addresses many of the core issues highlighted by the House of Lords Select Committee, particularly in relation to assessment of capacity, which is at the heart of the MCA. In response to the government recommendations the policy provides a guide for anyone involved in the assessment of capacity and related activities in health and social care and reference to training, it is promoted from a multi-agency MCA workforce and training strategy. It also identifies the Service Governance Framework used within Gloucestershire relating to adults who lack capacity to make decisions.

This very comprehensive Policy is available in PDF format:

www.gloucestershire.gov.uk/extra/mcapolicy

It also contains a number of specific tools to enable health and social care staff to more effectively implement the Act, such as capacity assessment forms for day to day decisions, a form for significant decisions, and a booklet that allows the recording of advance statements and Advance Decisions. In the Downloads section on the above web page it has a suite of appendices (‘MCA1’ to ‘MCA 19’) to support staff and inform the public.
Following the House of Lords Select Committee’s report into the Mental Capacity Act, the government has now published it’s:

**Valuing every voice, respecting every right: Making the case for the Mental Capacity Act 2005 response (June 2014)**

The Government’s response, agreed that the MCA is a very positive piece of legislation which has the potential to transform lives, but recognised there is still some way to go to fully realise that potential. It also shared the HLSC’s concern at the low levels of awareness and understanding of the Act. The Government response set out a system-wide programme of work over 2014-2015 and beyond to make a real improvement to MCA implementation.

The response stated that too many people who may lack capacity may be missing out on the legal rights that the MCA gives them. The Government concluded it was about changing attitudes in society as a whole towards those who may lack capacity and stated meeting this challenge will require the widespread support of everyone; those responsible for running services, professionals and the public at large.

The Governments stated that every professional who works with individuals who may lack capacity should regard the responsibility to familiarise themselves with the provisions of the MCA as a basic professional duty. A common theme is the need for a greater public awareness of the Act, mirrored by further training for professionals in health and social care. The government’s response has made a firm commitment to doing this by promoting, implementation and ensuring knowledge of the Act and all its implications, form part of professional training by working with the relevant regulatory bodies.

**MCA and Care Planning**

The Mental Capacity Act and Care Planning - a new SCIE report outlines how commissioners and care providers can embed the principles of the Mental Capacity Act (MCA) into care and support planning. The MCA protects people’s basic human right to live the lives that they choose as far as they are able. Integrating the principles of the MCA into care planning and practice can transform the experience of adults with care and support needs. This report offers a starting point for both commissioners and providers to understand and demonstrate how care and support plans can comply with the principles of the MCA. Please click on the link below to access the report.


Please note that whilst SCIE resources are free, people will need to register with SCIE to be able to download it.
On March 19, 2014, the Supreme Court handed down its judgment in the case of P v Cheshire West and Chester Council and another and P and Q v Surrey County Council. The full judgment can be found on the Supreme Court’s website here.

There are other useful discussions papers on this from CQC, the Department of Health and 39 Essex Street have put some guidance notes. By clicking on the names you will be taken to their discussion papers on this. We will have more detailed coverage of this Judgement in the next issue.

The Government has asked the Law Commission to consult on and potentially draft a new legislative framework that would allow for the authorisation of a best interests deprivation of liberty in supported living arrangements. The Law Commission will now also consider any improvements that might be made to the Deprivation of Liberty Safeguards (DoLS) and are meeting professional and carers in this pre-consultation phase.

The following points from the Care Act are of interest:

- People will no longer be described as vulnerable adults instead the phrase adults at risk of abuse or neglect will be used
- Each person should be considered as the best judge of their own wellbeing and should be consulted and involved in any processes arising under the Act
- Safeguarding investigations carried out under section 42 of the new Act will be triggered by the local authority having reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there); has needs for care and support (whether or not the authority is meeting any of those needs), is experiencing or at risk of, abuse or neglect, and as a result of those needs is unable to protect him or herself against the abuse or neglect or risk of it. The local authority must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult’s case and if so what and by whom.
- The Act provides the first statutory framework for adult safeguarding, and sets out key responsibilities of local authorities and their partners
- Safeguarding Adults Boards must be created in every area
- Each local authority has a duty to carry out enquiries where it suspects that an adult is at risk of abuse or neglect
Continued

• Each Safeguarding Adults board (SAB), must include the local authority, NHS, and the police to coordinate activity to protect adults from abuse and neglect
• A duty is placed on the organisations making up the SAB to co-operate with one another and if they are unable to do so they must explain in writing why they are unable to do so
• SABs must carry out safeguarding reviews into cases where someone dies and there is a concern about how authorities acted, to ensure that lessons.

Making Safeguarding Personal (MSP)

Making safeguarding personal is about engaging with people about the outcomes they want at the beginning and middle of working with them, and then ascertaining the extent to which those outcomes were realised at the end.

Care Act: Draft Statutory Guidance (Informs and informed by MSP)

• Aims of adult safeguarding include: ‘to safeguard individuals in a way that supports them in making choices and having control in how they choose to live their lives’; ‘to promote an outcomes approach in safeguarding that works for people resulting in the best experience possible’

GCC will work at Bronze level which focuses on:

• Enhanced social work practice ensuring that people have an opportunity to discuss the outcomes they want at the start of the safeguarding activity;
• Follow-up discussions with people at the end of safeguarding activity to see to what extent the desired outcomes have been met;
• Recording the results in a way that can be used to inform practice and provide aggregated outcomes information for Boards

What we want to achieve:

• Something that enables safeguarding to be done with, not to, people
• Something that focuses on achieving meaningful improvement to people’s circumstances rather than just on ‘investigation’ and ‘conclusion’
• Something that utilises social work skills better than just ‘putting people through a process’
• Something that enables practitioners, families, teams and SABs to know what difference has been made
Information For Family Carers And People Who Use Services

In all our Newsletters we hope to dedicate our final section to providing useful information for people who use Health and Social Care Services and their families.

As this Newsletter is focused on providing people with information on Adult Safeguarding and the Mental Capacity Act, we thought it would be useful in our first edition to offer links to some resources that clearly explain what these areas of Policy and Government Legislation are all about.

For local information about Adult Safeguarding in Gloucestershire you can visit our website by clicking here on the link:

www.gloucestershire.gov.uk/gsab

This main page has sections with all the information you need to understand Adult Safeguarding, and also has the numbers to call should you suspect that a Vulnerable Adult you know or care for is being abused.

There are many other resources out there that also explain how you can make sure you are keeping your relative or loved one safe.

www.gloucestershire.gov.uk/gsab/CHttpHandler.ashx?id=47742&p=0

The Safeguarding Adults Board wish for the content and future development of the Safeguarding Adults and Mental Capacity Act Newsletter to be led by the views and voices of Safeguarding Practitioners, Health and Social Care Professionals, Provider Services, the voluntary and community sector and people who use services and their families.

So if you have information or work you wish to share, ideas for future articles, suggestions for improving the newsletter or questions you wish to pose you can do this by emailing:

rhiannon.mainwaring@gloucestershire.gov.uk

We would also ask that all professionals and providers share this Newsletter with all the people and families they support.

Information on Safeguarding Adults, Mental Capacity Act and Deprivation of Liberty Safeguards training can be found via this link:

www.gloucestershire.gov.uk/gsab/CHttpHandler.ashx?id=47742&p=0