

Mental Capacity Act 2005 – are your staff complying?

It is an essential legal requirement that all those working with or making decisions affecting patients and service users, are familiar with the provisions of the Mental Capacity Act 2005 (MCA). The most recent Department of Health research shows that compliance with the Act in some areas is poor, with particularly broad variations in compliance in the acute sector, in relation to the Deprivation of Liberty Safeguards (DoLS).

Non-compliance creates numerous risks for organisations including:

- criminal prosecutions under the MCA against health or social care professionals, which have recently increased in number;
- reference to non-compliance in civil or criminal proceedings;
- reference to non-compliance in proceedings before a professional disciplinary body (such as the Nursing and Midwifery Council or General Medical Council);
- increased focus upon compliance in the Coroner's Court where an individual lacking capacity has died;
- claims for compensation, or a court declaration that the NHS organisation has acted unlawfully, if an individual's human rights are breached by non-compliance with DoLS or in relation to Do Not Attempt Resuscitation (DNAR) decisions;
- negative press attention; and
- intense scrutiny from regulators.

Training is essential to ensure that these risks are minimised

Hill Dickinson's specialist healthcare lawyers can provide training at your premises to ensure that your staff have a sound grasp of the parts of the Mental Capacity Act 2005 applicable to them.

'The team is "highly accessible, prompt and has outstanding knowledge of the Mental Capacity Act".'
Chambers & Partners 2011 independent guide to the UK legal profession

'The team "always goes the extra mile for clients", providing informative seminars, weekly updates, bulletins and training.' *Chambers & Partners 2009 independent guide to the UK legal profession*

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Training package programme

We can deliver training at your organisation to as many or as few attendees as required, subject to venue capacity.

£495 plus VAT for one-hour session

£750 plus VAT for three-hour session

Topics covered in the three-hour session:

- The MCA principles
- Assessment of capacity
- Treatment/welfare decisions and section 4 Best Interests Checklist
- Instruction of IMCAS
- Lasting Powers of Attorney
- Applications to the Court of Protection
- Advance Decisions to refuse treatment
- Deprivation of Liberty Safeguards
- Eligibility for DoLS
- Framework for authorisation
- Duties/responsibilities

The one-hour session can be utilised to provide a summary of either MCA or DoLS; the three-hour session covers both topics.

Comments from previous attendees:

“Very clear, concise and informative.”

“Exceeded expectations.”

“The training was exactly what we needed and very professional.”

Contact

To discuss the training packages or find out more about the various training packages we offer, please contact:



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