



Department
of Health



Ministry
of Justice

National Mental Capacity Forum

Chair, Baroness Ilora Finlay

Working together to promote and uphold the principles of the
Mental Capacity Act

April 2016

NMCF: first 6 months plan

- 1) Hear the real voice of the person
 - Rachel Griffiths, “Voice of the Person Lead”
 - 8 February 2016, NMCF “Listening Event”

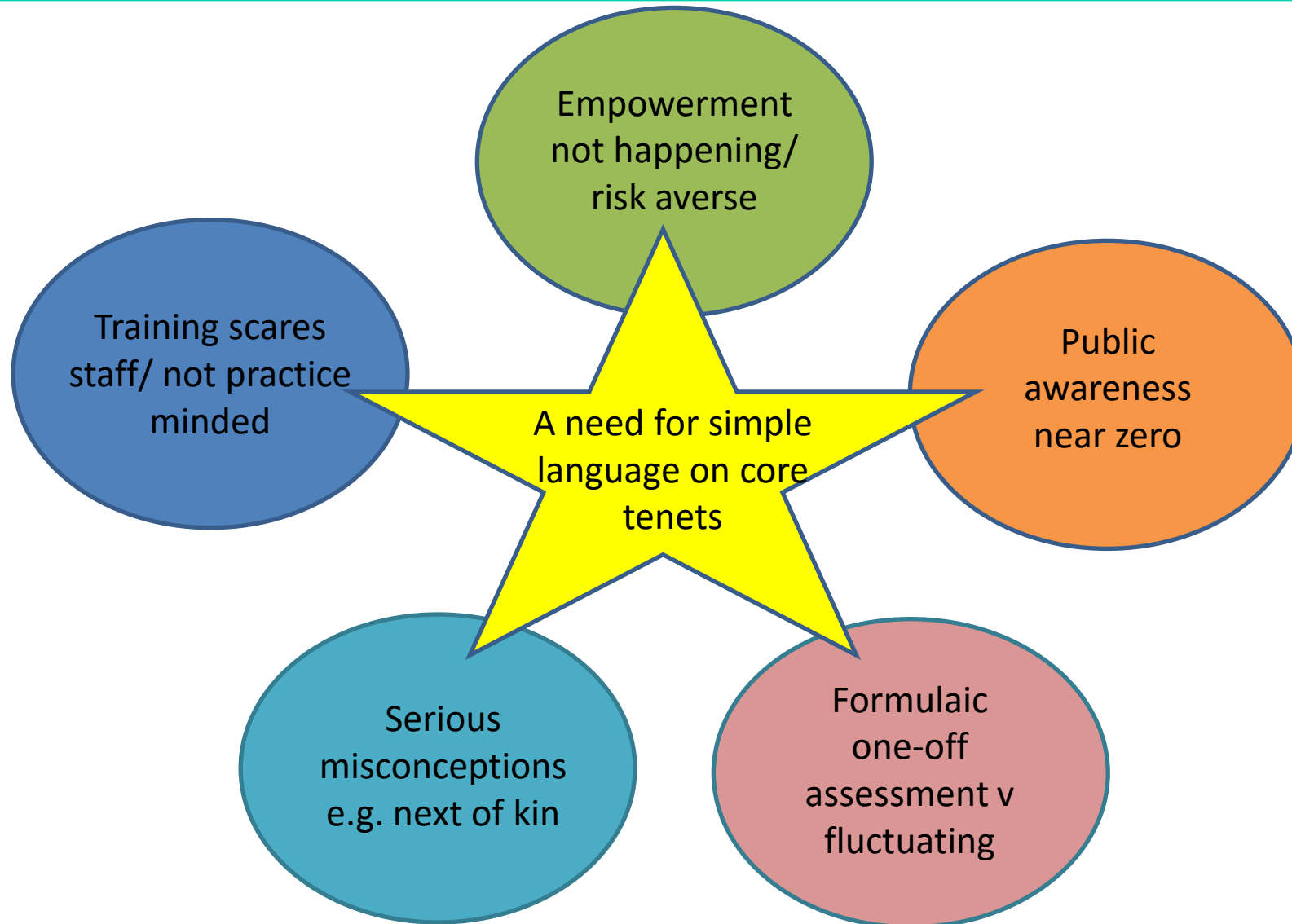
- 2) Translate the voice to priorities
 - Leadership Committee of the National Mental Capacity Forum
 - Engagement with MCA Implementation Group – 10 March 2016

- 3) Action Day
 - NMCF National Action Day: 15 March 2016 (RCAnaes)

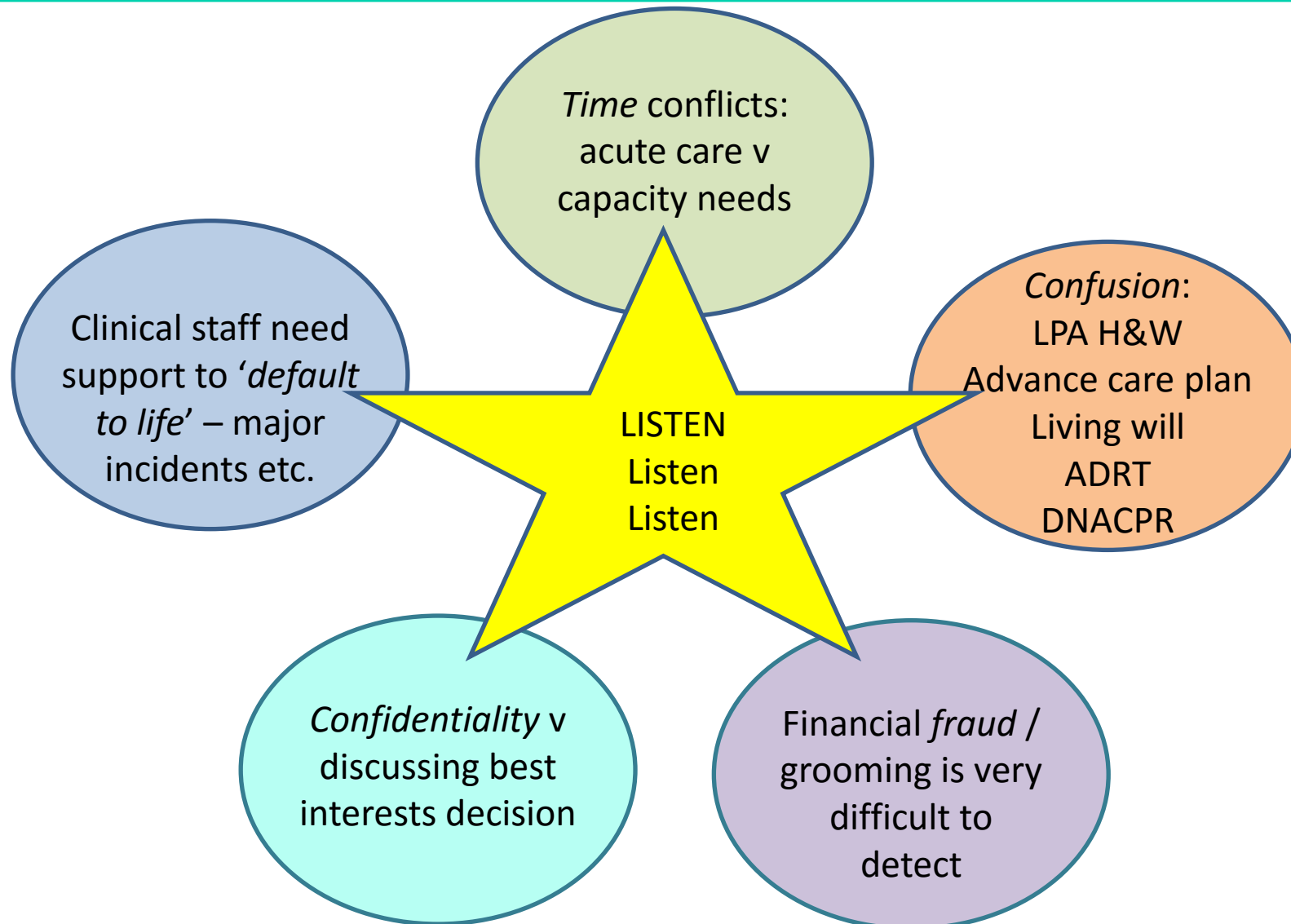
- 4) Report to Ministers at 1 year

“A movement, not a committee”

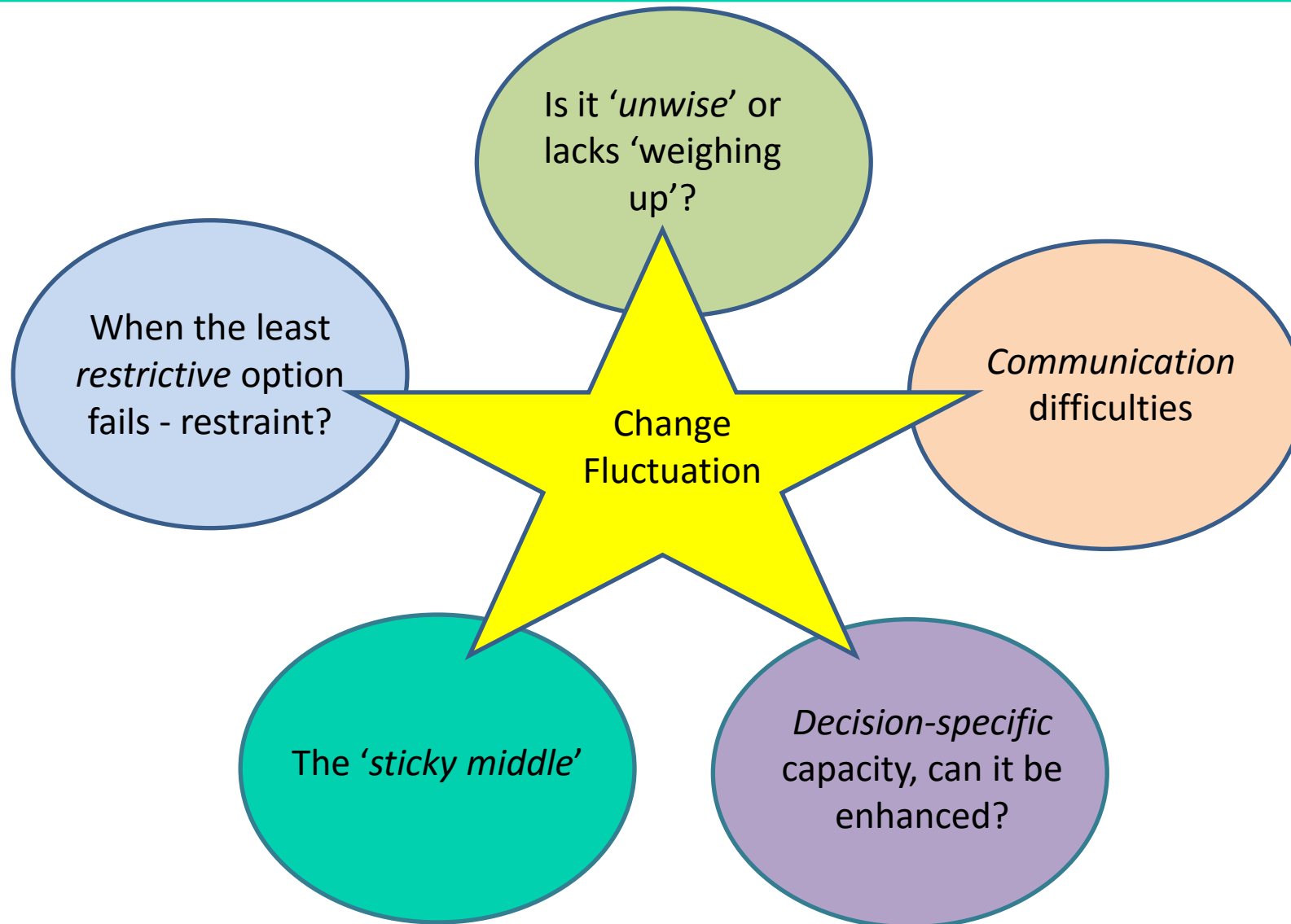
What I've heard so far.....



And real conflicts

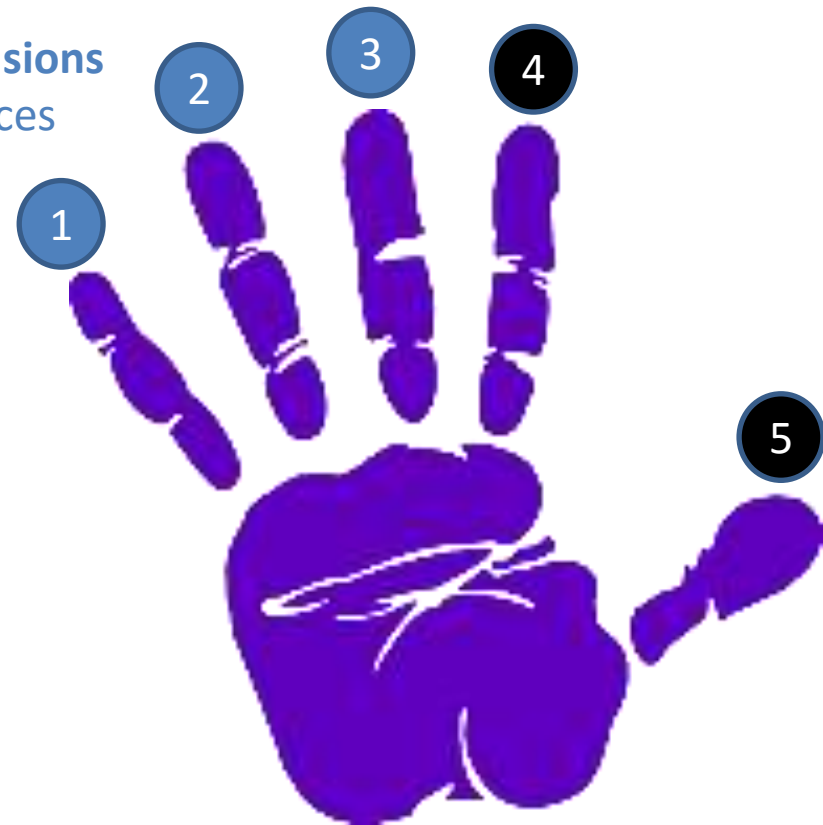


And difficulties



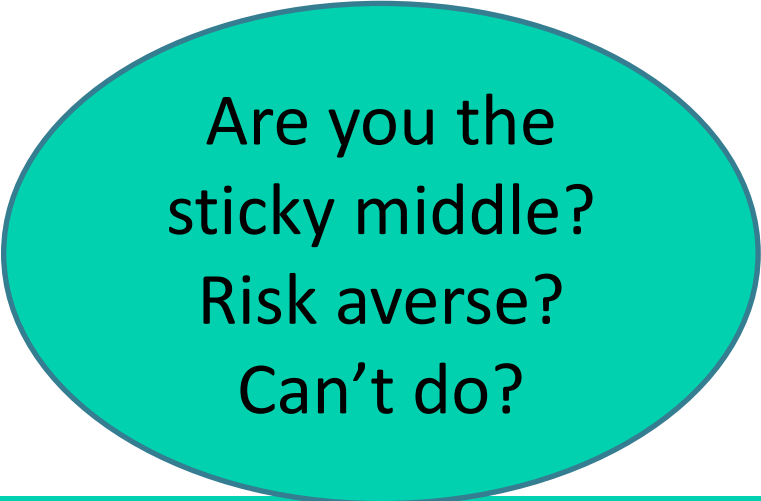
Overall – tensions and solutions

- 1. A presumption of capacity**
 - Fluctuating
 - Can it be improved
 - Head injury
- 2. Individuals supported to make their own decisions**
 - Time for the person v allocation of resources
- 3. Unwise decisions**
 - But what if it is front page of the papers
- 4. Best interests**
 - Changing clinical scenarios
 - Consulting those important to P
- 5. Less restrictive option**
 - Danger to themselves and others



What will you do differently?

- Who is not getting the care they should?
- What are the barriers and how can we tear them down?
- Where *your* the fears?
- What do you want for your mum or your child?



Are you the
sticky middle?
Risk averse?
Can't do?

Who is left out in the cold?

Dementia plus:

- Heart failure?
 - Neurological disease?
 - Learning difficulties?
 - 'Too difficult' etc?
-
- On a trolley in ED?

Listening



Overall

- The Mental Capacity Act is considered a good piece of legislation

BUT

- When things have gone very wrong, empathic active listening has often been lacking
- Case law applied widely can have serious unintended consequences – e.g. Deprivation of Liberty Safeguards

Overall

1. A presumption of capacity
 - Fluctuating
 - Can be improved
 - Head injury
2. Individuals being supported to make their own decisions
 - Time for the individual versus allocation of resources
3. Unwise decisions
 - But what if it is front page of the papers
4. Best interests
 - Changing clinical scenarios
 - Consulting those important to P
5. Less restrictive option
 - Danger to themselves and others
 - Police are trained in restraint

Invitation to join the forum

1. Those who are making things happen
2. Those who have projects of good practice, innovation or lessons learnt
3. A pledge

4. Next years action day will call for projects
5. Look at this years projects on SCIE

Commitment to Action

An invitation to you to be inaugural members of the National Mental Capacity Forum

A hope you will continue to advocate for capacity issues, pursue collaborative actions and encourage more to become members of the Forum

Members of the National Mental Capacity Forum:

- Commit to furthering the principles of the Mental Capacity Act
- Commit to advocating for these principles
- Commit to taking action, no matter how small, to improve MCA implementation

Going forward

Priorities:

Voice of the user – regional events, lessons form complaints

Decision making – supported, best interests, carers , LPAs

Neglected sectors – prisons, utilities, awareness of LPAs, awareness of principles

Forum – members knowledge and best practice, SCIE website

Transition

Concluding thoughts

Early days, but lots of positive energy