

# Mental Capacity Act Deprivation of Liberty Lunchtime Seminar 28 September 2021

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# Objectives

By the end of the session participants will have a better understanding of:-

## **Mental Capacity Act**

- Stages involved in authorisation of a Deprivation of Liberty (Diane)
- Level of activity across the Region (Diane)
- Challenges in the system (Phil)
- Processes established (Phil)
- Learning across the system (Phil)
- Training Available (Steph)
- RQIA Perspective (Karen)



# Stages involved in authorisation of a Trust Panel Application for a Deprivation of Liberty

- Identification of the requirement for a DoL
- Emergency provisions
- Form 1 – Capacity Assessment
- Form 2 – Best Interests
- Form 4 – Care Plan
- Form 6 – Medical Report
- Form 5 – Application to Panel
- Form 7 – Referral to Attorney General



## Trust Panel Applications

*(Figures at end  
August 2021)*

- Applications to panel – 6200
- Number authorised – 5315
- Referrals to AG - 4022
- Referrals to RT - 1625
- Live Cases – 3502 DoLs / 19 STDs



# EXTENSIONS

*(Figures at end August 2021)*

Authorised

2112

Referred to A.G.

1481

Referred to R.T.

310



## Short Term Detentions

*(Figures at end August 2021)*

- 1315 started
- 970 Authorised
- 502 referrals to A.G.
- 172 referred to R.T.
  - 19 Live cases



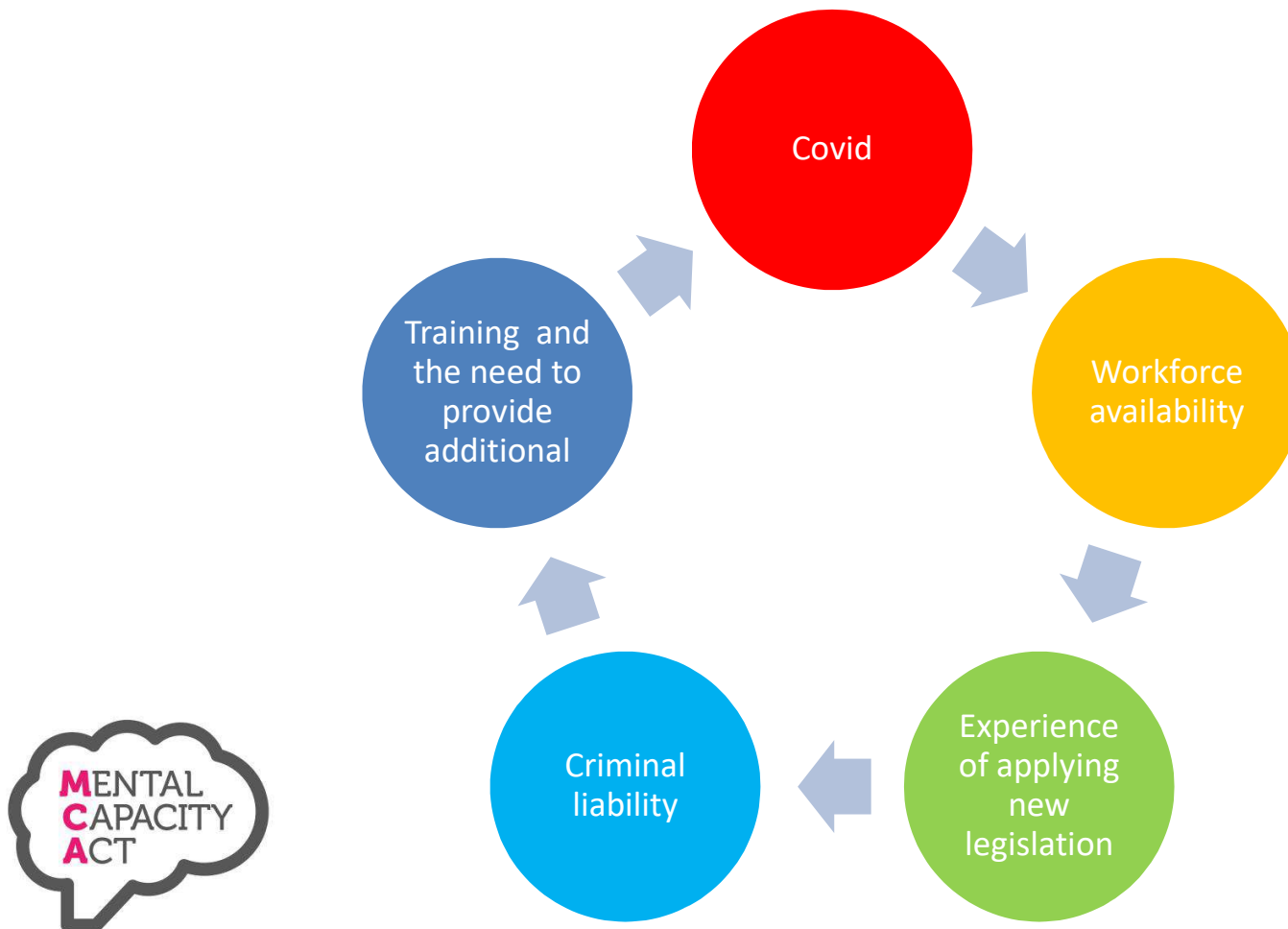
# Tribunal Hearings

Where a referral to the Review Tribunal sits in relation to the other processes under MCA

- Paper Hearings
- Oral Hearings
- Rule 6 reports

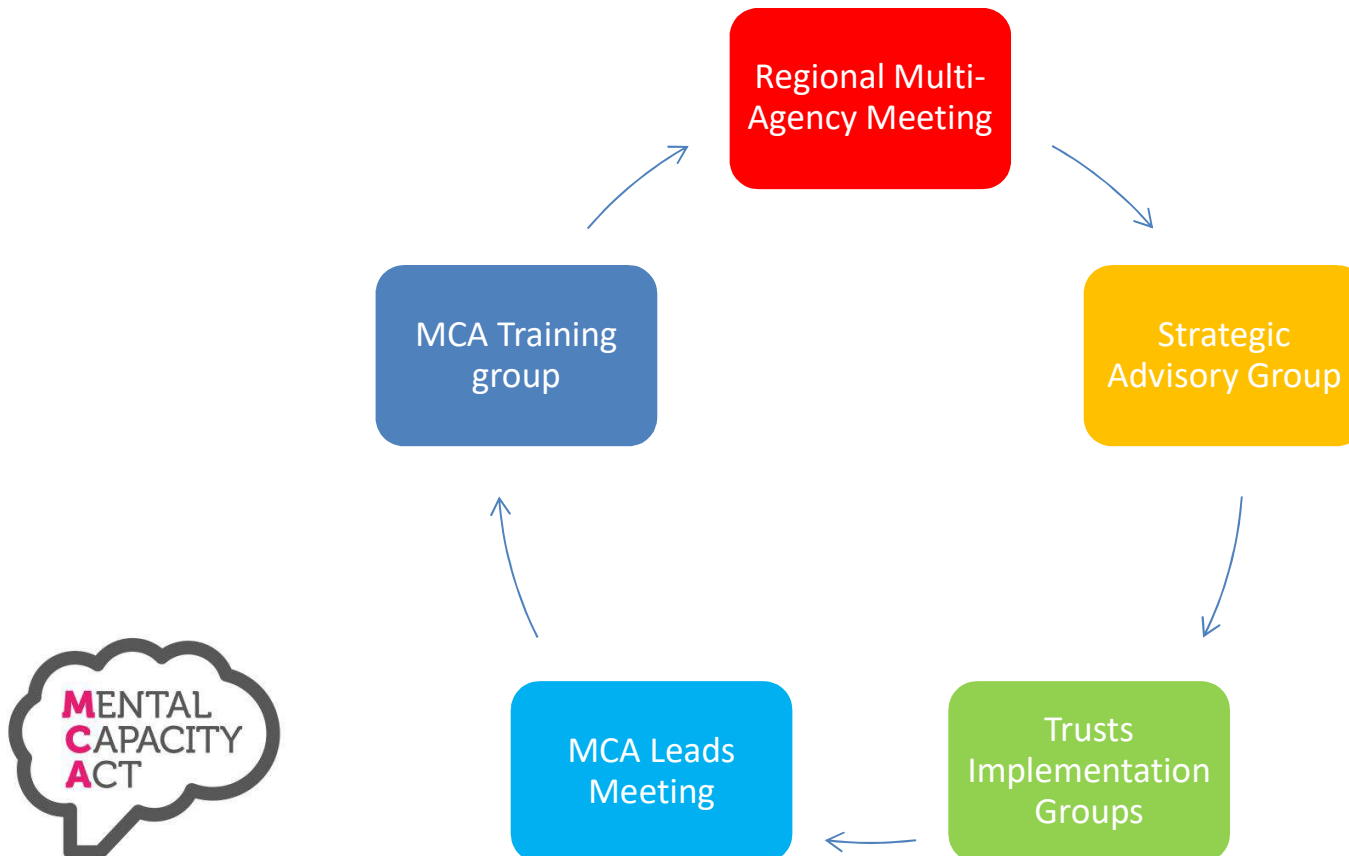


# Challenges in the system





# Systems established to support the implementation



# Learning Across the system

- Agreed regional flow chart to support decision making
- Agreed use of the emergency provision
- Threshold for a referral to AG
- Correspondence to Care providers + regional registers / FAQs
- Rule 6 template
- Training



# Training Available

**E-Learning** up to Level 4a – required for anyone undertaking Deprivation of Liberty Safeguards (DoLS)

**Classroom training** available through Trusts' central MCA Teams covering:

- Level 4b: Formal assessment of capacity – practical
- Level 5: Trust Panel
- Completion of Forms (including capacity assessment, best interests decision making, Nominated Person and care plan)
- Legislation (including changes in interpretation and developments, flowchart and POSH)
- Review Tribunal / Attorney General (including Form 7, Rule 6 Reports, hearings)

Regional Training Steering Group is established and training in Levels 3, 4a, 4b and 5 are currently being reviewed.



# RQIA Perspective

- RQIA current position on DoLS
- RQIA current position on monies and valuables
- Registers in services
- Supportive role
- Links to relevant Trust leads
- Training of staff



*THANK YOU*



- ANY QUESTIONS