

Lambeth Safeguarding Adults Board: Safeguarding Adults Week

Mental Capacity

Guidance for completing a Mental Capacity Assessment

A simple and easy to use tool has been developed by LSAB's Mental Capacity Act subgroup which aims to support professionals in their practice by outlining the essential steps for following the MCA process, [available to download here](#).

It is not intended to be definitive guidance and professionals are asked to please refer to their own organisation's MCA Policy and Procedures, as well as the MCA Code of Practice for further information.

Mental Capacity and Covid-19

Simple guidance has been developed which sets out processes which should be followed when considering antigen testing for someone who lacks the relevant mental capacity. Decisions on whether to conduct this test should consider best interests and be made on an individual basis. To find out more, [see our guide](#).

The impact of Covid-19 may also affect other decision making, and SCIE has put together a quick guide on best interests decisions. You can access the guide using this [link](#).

Assessing capacity in relation to sexual relationships

In September 2020 the LSAB delivered a series of multi-agency masterclasses, developed to give Lambeth practitioners access to expert knowledge in challenging and complex safeguarding topics. The speakers at these events kindly agreed to let us record the sessions, and they are now available to watch back. On the 10 September 2020 our focus was on assessing capacity in relation to sex.

In Part 1 of the session we heard from Nicola Kohn (39 Essex Chambers) who gives an overview of the Mental Capacity Act as it applied to sex, and recent developments in the law. [You can view Part 1 here](#).

In Part 2, Dr Sonja Soeterik and Dr Emma Ferguson (Clinical Psychologists specialising in Neuropsychology) talk through the process of carrying out a mental capacity assessment when the question relates to sex and other related issues (contraception, marriage). Nicola Kohn from 39 Essex Chambers also rejoined us to answer questions. [You can view Part 2 here](#).

Race, culture and mental capacity

Any mental capacity assessment needs to take into account the person's wishes, feelings, beliefs and cultural values.

When making a mental capacity assessment, we need ask; how would that person usually make this decision? What impact does their cultural background have?

To hear more on this subject [listen to Dr Lade Smith CBE and Alex Ruck-Keene discuss the ways in which capacity assessments under the MCA need to carefully consider how an individual's culture will influence the way they make decisions](#).

Deprivation of Liberty Safeguards

The Deprivation of Liberty Safeguards (DoLS) are part of the Mental Capacity Act 2005. Deprivation of liberty occurs when a person is assessed to lack capacity to consent to their care arrangement, effectively making them subject to 'constant supervision and control' and 'not free to leave'. The safeguards set out a process that must be followed by care homes and hospitals in order to provide a particular care plan. Sign up to the below e-learning courses to improve your confidence!

- Health Education England offers a [Mental Capacity Act e-learning package](#) which includes section on DoLS.
 - Adult Social Care staff can also access Oracle learning for both the [Mental Capacity Act](#) and [Deprivation of Liberty Safeguards](#).
 - In April 2022, DoLS will be replaced by Liberty Protection Safeguards. To find out more, [take this 5-minute mini course](#).
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Understanding use of restraint

Despite best intentions, the use of restraint can sometimes cause harm. In a local survey undertaken in 2017, restraint was less likely to be seen as a potential source of abuse. This was particularly so with adults with care and support needs and their friends and family, and unpaid carers. In response to this, the Lambeth Safeguarding Adults Board have created a new leaflet aimed at unpaid carers, developed in consultation with Carers Hub.

The leaflet aims to help unpaid carers understand what restraint looks like and when it might be used, and is [available to download here](#).

Sign of for our session on SAR Martin

Join the conversation about how we respond to challenges in practice, using the lessons learnt from SAR Martin. Taking place Friday 20th November, this session will explore the challenges in responding to someone assessed as having capacity who may be self-neglecting. This will also consider the impact of executive functioning and what we mean by 'vital interests'.

This session is open to Health and Social Care, Police, Housing, and LSAB partners. To join, [register here](#).