

Mental Capacity Act



The Mental Capacity Act 2005 (MCA) is designed to protect and empower individuals aged 16 and over and help to safeguard the human rights of people who lack (or may lack) mental capacity to make decisions about their care and treatment. These include decisions about whether or not to consent to care or treatment. This may be because of a lifelong learning disability or a more recent short-term impairment, for example due to drug or alcohol abuse and mental ill health or long-term impairment resulting from injury or illness.

[Swindon Safeguarding Partnership](#)



Additional resources can be found on the next slides.

Learning from Local Reviews

**Each
Safeguarding
Adult Review
is a human
story.**

Some recurring themes identified in our local recent safeguarding adult reviews highlighted a lack of professional knowledge relating to the Mental Capacity Act, particularly:

- **Fluctuating capacity**
- **Executive functioning and the MCA**
- **Lack of Professional curiosity** – a lack of professional nosiness
- Further information regarding the learning can be found on this webpage [Safeguarding Adult Reviews \(SAR's\) - Swindon Safeguarding Partnership](#)
- Please familiarise yourself with the learning.

Resources to find out more

Fluctuating Capacity

- 39 Essex Chambers website <https://www.39essex.com/information-hub/insight/guidance-note-fluctuating-capacity-context-december-2021>
- <https://www.39essex.com/information-hub/mental-capacity-resource-centre>
- <https://www.scie.org.uk/assessment-and-eligibility/fluctuating-needs/>

Executive Functioning and the MCA

- <https://www.communitycare.co.uk/2023/12/19/executive-functioning-and-the-mental-capacity-act-2005-points-for-practice/> (2023)
- <https://content.govdelivery.com/accounts/UKCUMBERLAND/bulletins/3712f8e>
(July 2022)

The Mental Capacity Act And Executive Capacity In Practice - Safeguarding on the Front Line 2022 https://www.youtube.com/watch?v=RHMbNUp_oE (duration 1 hour)

Additional Resources relating to MCA

- **SCIE resources:**
 - Free SCIE eLearning <https://www.scie.org.uk/courses/mental-capacity-act-mca/>
 - <https://www.scie.org.uk/mca/introduction/mental-capacity-act-2005-at-a-glance/>
- An easy read guide to the MCA can be accessed [here](#)
- **Bevan Brittan - Practical and Legal Guidance for assessing capacity:** <https://www.bevanbrittan.com/insights/events/2023/2023-07-20-practical-and-legal-guidance-for-assessing-capacity/> (2023 – duration approximately 1 hour)
- LGA – numerous resources on [Mental Capacity Act including DoLS | Local Government Association](#)
- [Home - Capacity guide](#) Guidance aimed at clinicians and social workers on the assessment of capacity. May also be useful as a reference to other professionals.
- [The Toolkit - Mental Capacity Toolkit](#) Bournemouth University and Burdett Trust for Nursing have developed a toolkit to help support health and social care professionals working with individuals whose decision-making capacity is limited, fluctuating, absent or compromised. This resource will be beneficial to other professionals.
- [Mental Capacity Act 16 to 17 year olds learning from reviews - Swindon Safeguarding Partnership](#)

SSP Training & Resources

- [Legal training 1 - Consent, capacity and information sharing - Swindon Safeguarding Partnership](#)
- [Identifying safeguarding concerns and making referrals \(adults\) - Swindon Safeguarding Partnership](#)

Practice Briefs:

- [Mental Capacity Act 16 to 17 year olds learning from reviews - Swindon Safeguarding Partnership](#)
- [Resource pack - Professional Curiosity - Swindon Safeguarding Partnership](#)

Recorded workshops: there are recorded workshops relating to Professional Curiosity and Having Difficult Conversations – the content will also be relevant for professionals when responding to self-neglect.

To access the recording click on this link to access [Video archive - Swindon Safeguarding Partnership](#) – scroll to the bottom of the page and click on the down arrow beside the heading Spotlight on Child Neglect – March 2024.