**Lancashire Adult Safeguarding Board**

**Best Practice MCA Audit Tool**

**Purpose of the Audit**

**The Best Practice MCA Audit Tool has been developed by the Lancashire MCA/DoLS Sub Group to reflect standards of practice within organisations.**

**The aim of this audit tool is to provide organisations with a consistent framework to assess monitor and/or improve their arrangements in line with the Mental Capacity Act 2005.**

**The audit tool is a process that requires partner agencies to complete all sections of the audit tool to self-assess and benchmark their own areas and to enable you to:**

* **Identify strengths and areas of good practice**
* **Areas for improvement within individual organisations**
* **Action plan to monitor improvements.**

**What is the Mental Capacity Act 2005?**

The Mental Capacity Act (2005) is a significant piece of legislation affecting people who may lack the capacity to make their own decisions. It promotes autonomy and empowerment of individuals and protects their rights particularly to make their own decisions.

The Code of Practice provides guidance to anyone who is working with and/ or caring for adults who may lack capacity to make particular decisions. It describes their responsibilities when acting or making decisions on behalf of individuals who lack the capacity to act or make these decisions for themselves. In particular, the Code of Practice focuses on those who have a duty of care to someone who lacks the capacity to agree to the care that is being provided.

The Act applies to everyone working in social care, health and other sectors who are involved in the support and treatment of people aged 16 and over. People acting in a professional capacity may include:

* A variety of healthcare staff (doctors, dentists, nurses, therapists, radiologists, paramedics etc)
* Social care staff (social workers, care managers, etc)
* Others who may occasionally be involved in the care of people who lack capacity to make the decision in question, such as ambulance crew, housing workers, or police officers.

People who are being paid for acts for or in relation to a person who lacks capacity may include:

* Care assistants in a care home
* Care workers providing domiciliary care services, and
* Others who have been contracted to provide

The Act sets out five ‘statutory principles’, which are the values that underpin the legal requirements of the Act. These relate to assumption of capacity, support to make decisions, the right to make unwise decisions and acting in the best interests of the individual.

For the purpose of this Act, a person lacks capacity in relation to a matter if at that particular time he is unable to make a decision for himself in relation to the matter because of an impairment of, or a disturbance in the functioning of the mind or brain.

*(MCA, 2005 Code of Practice, 2007)*

**Why do Agencies/Organisations need Mental Capacity Act Policy and Procedure**?

If an Agency/Organisation in the course of their work makes a decision about any individual, they need to make sure they have considered the mental capacity of that individual as part of that decision making process.

It is likely, on a day to day basis workers from any Agency/Organisation, will be keeping records justifying why they have taken the decisions they have made. In making those decisions they will have regard to mental capacity.

Documentation surrounding capacity to make decisions need to be formalised utilising the 2 stage capacity assessment test. This will provide due diligence defence as to why a specific course of action was chosen at a particular time.

**Useful Guidance/Links:**

**Lancashire Safeguarding Adults Board MCA Resources:**

<http://www.lancashiresafeguarding.org.uk/lancashire-safeguarding-adults/resources/mca-dols.aspx>

**Mental Capacity Act 2005; Code of Practice:**

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/497253/Mental-capacity-act-code-of-practice.pdf>

**Advocacy Focus**

[www.advocacyfocus.org.uk](http://www.advocacyfocus.org.uk)

**Contact Details for MCA Leads:**

N**HS Greater Preston CCG and NHS Chorley and South Ribble CCG and NHS West Lancashire CCG:**

Tel: 01772 214376

Email csrccg.safeguarding@nhs.net

**Morecambe Bay CCG:**

Tel: 01524 518957

Email mbcccg.qst@nhs.net

**Fylde & Wyre CCG:**

Tel: 01253 956555

Email [www.fyldeandwyreccg.nhs.uk](http://www.fyldeandwyreccg.nhs.uk)

**East Lancashire and Blackburn with Darwen CCG:**

Tel: 01282 644990

**Lancashire DoLS Team:**

Tel: 01772 536011

Email: Csc.acscustomerservices@lancashire.gov.uk

**Lancashire Adult Safeguarding Board**

**Best Practice MCA Audit Tool**

This is a self-assessment audit tool, which can be used to assess how well your department is performing. This tool will also enable you to demonstrate and identify gaps where changes may need to be made.

|  |
| --- |
| Organisation/Department: |
| Audit Date: |
| Person completing the audit: |

|  |  |  |
| --- | --- | --- |
| **Does your organisation have a Mental Capacity Act Policy?** | **Yes** | **No** |
| ***If no please provide some narrative in this section:*** |
| **Does your Mental Capacity Act policy outline when your agency has responsibility to undertake a capacity test in respect of their work?**  | **Yes** | **No** |
| ***If no please provide some narrative in this section:*** |
| **Do staff have easy access to the Mental Capacity Act Code of Practice?** | **Yes** | **No** |
| **Does your organisation have a Mental Capacity Act lead?** | **Yes** | **No** |
| **What percentage of staff have Mental Capacity Training?** |  **%****Green >80%****Amber >50 – 80%****Red <50%** |
| **How does the organisation record capacity assessments?*****If you are unsure please access the Lancashire Safeguarding Adults Board; Mental Capacity Act for Providers Policy for Capacity Assessment Templates.***<http://www.lancashiresafeguarding.org.uk/lancashire-safeguarding-adults/resources/mca-dols.aspx>  |
| **Do the records incorporate the 2 Stage Capacity Assessment process of establishing impairment of the mind or brain that prevents the person from making a decision?** | **Yes** | **No** |
| **Does the record demonstrate use of the five key principles of the MCA?****(presume capacity/support decision making/allow for the unwise decision/best interest/least restrictive option)** | **Yes** | **No** |
| **Does your policy explain the process of best interest?** | **Yes** | **No** |
| ***If you are unsure please access the Lancashire Safeguarding Adults Board; Mental Capacity Act for Providers Policy for Best Interest processes.***<http://www.lancashiresafeguarding.org.uk/lancashire-safeguarding-adults/resources/mca-dols.aspx>  |
| **Do staff know the criteria and the process for referring someone to an Independent Mental Capacity Advocate (IMCA)** | **Yes** | **No** |
| ***If you are unsure please access*** [www.advocacyfocus.org.uk](http://www.advocacyfocus.org.uk) ***for further support*** |
| **How many individuals is the organisation aware of that have an Lasting Power of Attorney in place, and what percentage do they hold documentation to support this?** |  **%** |
| **Do staff have an awareness of the principles surrounding Advanced Decision to Refuse Treatment?**  | **Yes** | **No** |
| **Is this covered within the organisations MCA Policy?** | **Yes** | **No** |