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| OpenLearn course | * **Understanding mental capacity**
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# [FULL TITLE OF ARTICLE]

[AUTHORS]

 [FULL SOURCE REFERENCE AND REPRINT INFORMATION]

ALUN So your current substantive post is as a practice educator?

EMMA Yes, and I’m doing practice education now, but I am also in practice as an Approved Mental Health Professional (AMHP) and as a Best Interest Assessor. I work about 4 times a month on a duty basis.

ALUN

Right, what would be some of the major kind of examples of cases of situation you get involved in?

We got you know people, particularly people with learning disabilities often, who get placed out county., Children as well. We don’t have any county services where children go. We do out of county work as well. Under THE Mental Health Act, if you’ve undertaken an assessment Section2 and we have to detain someone to a hospital it’s in [place name] then we are responsible for the assessment Section 3, so yeah we could go anywhere.

ALUN And how many people would there be kind of, in that kind of rota, you know, or in that service?

EMMA Yeah there’s only about 8 of us in the whole team and there’s usually 2 of us on a day. As I say in terms of practice education, I doing work with individual students, individual learner placed from undergraduate through to Assessed and Supported Year in Employment (ASYE), from qualifying to post-qualifying training. One of the reasons they took me on, I think, into this role is because of my interest in the law. I’m currently doing developmental work with all of the housing social care people because there is a need around the Mental Capacity Act.

ALUN

 We’d like to talk about some of the skills and knowledge that you feel that practitioners need for this kind of work. But I wonder whether you could give us a few examples of the kind of situations that you get involved in. I’m just wondering what would be a typical cases that you might have been involved in that would illustrate the skills as necessary. Not necessarily, you know, extreme cases although it may be, but just a hand full of the cross section of a typical situation where you might get called to, particularly in relation to mental capacity rather than the mental health service although obviously they’ll blur occasionally won’t they?

EMMA I support social workers with their assessment capacity, particularly where they’re struggling where they’re getting that there’s a variable capacity, where there are periods of the day or lots of times they don’t have capacity. So it’s kind of looking at the balance in terms of thinking about what that means for that person who may lack capacity and there’s questions about to what extent it variable, to what extent that person lacks capacity.

 I talk to social workers about reinforcement of their reasonable belief, what is their evidence and what they’re backing up their understanding with. In terms of assessment, for me the Capacity Act is prevalent In terms of all the work that I would do, in terms of working directly with people and whether it’s necessary to apply testing, that’s a different matter. To me the principle is what’s really important. As social workers we should be ensuring that we assume capacity, we should be helping people to decide, we should be giving relevant information, we should be taking steps to support people whatever that might be. For some people they may be quite minimal steps but for some people it might actually be quite a lot of work. And it gives us an idea of relational social work. A lot of local authorities are working towards more episodic practices, because of money, because of time, because of resources. Iit doesn’t really fit with the idea of helping someone to further all practicable steps in terms of helping someone to decide. You know, it could take weeks or months. l ask them to ask their social workers how long does it take to decide to move house and they’ll all say, well months, but actually our organisation sometimes expects social workers to go into a hospital on a Wednesday and expect that somebody makes decisions as to whether or not they’re going into a care home by Friday

EMMA

I know that a lot of families have never heard of mental capacity and in fact I get quite shocked when I meet families that do and generally they are where a family member has given them a lasting power of attorney around the personal care, rather than property and finance,

It could be quite confusing to people even when you’re explain it and you give people literature and you know sometimes we’re discussing why can’t we just decide, you know why do we have to just wait until they decide. Yeah for families it’s difficult.

ALUN

It is, they’ve got much more personal interest in the whole story really haven’t they?

EMMA

Yeah …. They must have been making lots of decisions about family members for a long time before professionals turn up and then say well that’s no longer your remit. It’s very difficult working with children actually because obviously you’ve got some responsibility, but you got competency and you got 16 and 17 year olds that have got hugely complex areas of practice, you’ve got you know the idea of the Capacity Act.