



# HM Government

Department of Constitutional Affairs  
Department of Health  
Public Guardianship Office

## MENTAL CAPACITY IMPLEMENTATION PROGRAMME NEWSLETTER JULY 2005

### **Purpose of the newsletter**

This is the first of a series of monthly newsletters to up-date you on progress with the Mental Capacity Implementation Programme. We plan to send these to you on the last working day of the month.

We want to continue to work with everyone who has an interest in this important legislation to take account of your views and try to ensure that it works on the ground. But we may also contact some of you separately about specific issues where you have indicated you want to work with us.

Please feel free to circulate this to anyone who you think may have an interest in Mental Capacity Act implementation issues. If you do not want to receive further bulletins please e-mail the Making Decisions e-mail address ([makingdecisions@dca.gsi.gov.uk](mailto:makingdecisions@dca.gsi.gov.uk)).

### **What will the Mental Capacity Implementation Programme cover?**

The programme includes:

- Undertaking a wide-ranging awareness raising campaign to ensure that everyone who is affected or could be affected by a lack of mental capacity is aware of the implications of the Mental Capacity Act;
- Ensuring that all those acting in a professional capacity are aware of and undertake training to enable them to work within the parameters of the Act;
- Consulting on the Code of Practice that will provide guidance to those working with and/or caring for adults who lack capacity;
- Consulting on any regulations and guidance and setting up the Independent Mental Capacity Advocacy (IMCA) service;
- Consulting on and producing the regulations, forms and guidance for making a Lasting Power of Attorney;
- Consult and produce the forms and guidance for the appointment of deputies;
- Consult on and produce the regulations necessary for implementing the research provisions;
- Appointing the Public Guardian and establishing a new Office of the Public Guardian; and
- Establishing a new Court of Protection.

The rest of this newsletter sets out the key issues we have focused on over the last few months.

## NEWS FOR JULY

### **Independent Mental Capacity Advocate (IMCA)**

The consultation on the Independent Mental Capacity Advocacy service was launched on 5 July and will close on 30 September. The consultation covers a range of issues around implementing the new (IMCA) service including operational details, the role and functions of the IMCA, definitions of serious medical treatment and options on whether to extend the service to other groups and situations. The consultation documents can be found on the DH website at:

[http://www.dh.gov.uk/Consultations/LiveConsultations/LiveConsultationsArticle/fs/en?CONTENT\\_ID=4114894&chk=Ezmp6D](http://www.dh.gov.uk/Consultations/LiveConsultations/LiveConsultationsArticle/fs/en?CONTENT_ID=4114894&chk=Ezmp6D)

Responses to the IMCA consultation should be sent to: [IMCA@dh.gov.uk](mailto:IMCA@dh.gov.uk)

### **IMCA consultation roadshows**

During the consultation process we will be holding some regional roadshows. These will take place in:

London	7 September
Bristol	14 September
Manchester	20 September
Birmingham	26 September

The roadshows are free and further information about the events and bookings can be made by email to [info@eventdotorg.co.uk](mailto:info@eventdotorg.co.uk).

### **IMCA pilots**

An advert inviting applications to pilot advocacy services to provide the IMCA service was placed in Community Care on 28 July 2005 and has also been circulated to various advocacy organisations and LAs and Trusts. The advert is targeted at advocacy organisations, local authorities and health trusts. Closing date for applications is September 15th 2005. For further details contact [Lucy.Bonnerjea@dh.gsi.gov.uk](mailto:Lucy.Bonnerjea@dh.gsi.gov.uk).

### **Public Guardian**

An advert has been published inviting applications for the post of Public Guardian. The closing date for applications is 26 August. It is anticipated that the selected person will be in post by January 2006 as the Public Guardian designate and will have input into the establishment of their office.

### **Code of Practice**

A draft Code of Practice was made available to assist Parliament during the passage of the Mental Capacity Bill. The draft is still available on the DCA website at <http://www.dca.gov.uk/menincap/legis.htm#bill>. Work on the Code is continuing and we expect to publish a further draft of the Code for full consultation in Spring 2006. We will be running 3 workshops in October to seek views on the content and format of the Code. We would particularly like to invite people who have direct experience of people who lack capacity including people who lack capacity themselves, informal and formal carers and professionals. Workshops will take place in:

Leeds 3rd Oct

Cardiff 6th Oct  
London 18th Oct

If you are interested in attending a workshop in one of these locations and you have some direct experience that you can bring to the day please contact Vanessa Rogers (tel 0208 210 0030 or e-mail [vanessa.rogers@dca.gov.gsi.uk](mailto:vanessa.rogers@dca.gov.gsi.uk)). Further details about speakers and the full programme for the day will be circulated nearer the time.

#### **DCA website**

We are in the process of up-dating the DCA website page on the Mental Capacity Implementation Programme. The website will have links to all the key documents on the Act and other Government Departments key documents, a contact list for the Implementation Team, a FAQ page and information about workshops and roadshows. Webpage address is <http://www.dca.gov.uk/capacity/index.htm>. We will also post the up-to-date newsletter on the website.

#### **Mental Capacity Act 2005 – Easy-read/Accessible version of the summary**

An easy-read/accessible version of the summary to the Act is on the DCA website. If you would like a hard copy or an audio version please contact Deborah Babarinsa (Tel 0207 210 0025 or e-mail [deborah.babarinsa@dca.gsi.gov.uk](mailto:deborah.babarinsa@dca.gsi.gov.uk))

#### **Mental Capacity Act 2005 – Key messages**

Many stakeholders have told us that it would be helpful to have key messages which illustrate the benefits of the Mental Capacity Act. A document is attached which sets out how the Act will help and improve the lives of everyone who lacks capacity. Please distribute to members of your organisation or anyone else involved in the care or treatment of people who lack capacity.

#### **Contacts**

If you have any specific comments or queries about any of the plans for implementation contacts are:

Steve Verdon – DCA Implementation Manager ([steve.verdon@dca.gsi.gov.uk](mailto:steve.verdon@dca.gsi.gov.uk))

Paul Gantley – DH Implementation Manager ([paul.gantley@dh.gsi.gov.uk](mailto:paul.gantley@dh.gsi.gov.uk))

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