

# Mental Capacity Act Update

edition 6 | Jan 2006

## Code of Practice

## IMCA implementation in England and Wales

## Lasting Powers of Attorney Consultation

## Contact Details

**Please circulate this newsletter to anyone who you think may have an interest in the implementation of the Mental Capacity Act.**

If you do not wish to receive future updates, please email [makingdecisions@dca.gsi.gov.uk](mailto:makingdecisions@dca.gsi.gov.uk) to unsubscribe.

To ensure that the Act works in practice, we want to work with everyone who has an interest in this important piece of legislation, hear your views and keep you updated on the work we are doing.

## Code of Practice Informal Consultation Workshops

### Feedback

Last October we held 3 workshops in Leeds, Cardiff and London to seek your views on the draft Code of Practice (which is available at <http://www.dca.gov.uk/menincap/legis.htm>). We particularly wanted views from those with direct personal experience of incapacity, their carers and the professionals who work with them. The feedback we received has helped to shape the draft Code.

### Consultation

The next stage is a public consultation on the Code of Practice, starting on 9 March. This is another opportunity to make comments before the consultation closes on 2 June. There will also be easy read, audio and Welsh language versions of the document. More information will be sent to you nearer the time.

We will be holding an event in London on 9 March attended by ministers, to launch the consultation and introduce the new Public Guardian, Richard Brook. We have a limited number of seats so if you would like to attend please contact the Communications Team on 020 7210 0038 or by emailing [makingdecisions@dca.gsi.gov.uk](mailto:makingdecisions@dca.gsi.gov.uk).

## IMCA Implementation in England and Wales

### Consultations

The Department of Health (DH) is analysing the responses to its consultation on the Independent Mental Capacity (IMCA) service in England, and plans to publish the response in the next few months.

The Welsh Assembly Government (WAG) are also considering their response to their separate consultation on the IMCA service for Wales. If

*This update is a joint communication from the Mental Capacity Implementation Programme whose members are:*

you would like to receive a copy of the full response to the consultation – when it is available - please email Sarah.Austin@wales.gsi.gov.uk.

### **Pilot schemes**

In January 2006 the DH also launched 7 IMCA pilot schemes in England. These will test the practicalities of providing advocacy services to particularly vulnerable people by helping them to make important decisions about medical treatment and changes of residence - for example, moving to a hospital or care home. The results will be used when considering how to provide this service on a wider basis.

### **Training qualification for independent advocates**

DH is also working closely with colleagues responsible for the Independent Mental Health Act Advocate, and with independent advocacy organisations, on possible common areas of implementation. In particular, we are exploring the feasibility of developing a national training qualification for independent advocates.

A workshop has been organised on 14 March 2006 in Birmingham to explore some of these issues. We would particularly like input from advocacy training providers and people who have had experience of developing advocacy-training programmes. There are a very limited number of places available, so if you would like to attend, please email Tim Smoldon at [advocacyinsomerset.2@virgin.net](mailto:advocacyinsomerset.2@virgin.net). There will be further opportunities to be involved in the development of the training qualification.

WAG is also working with colleagues in England on issues around qualifications and standards for advocates. Work is also underway on developing a training strategy and programme and devising regulations for research in Wales.

### **Lasting Powers of Attorney Consultation**

On January 20 we launched a public consultation on the forms to be used when making a Lasting Power of Attorney. The consultation asks for views on the format of the forms, the information that should be contained in them, as well as the guidance that will be issued with the forms. It also seeks views on the processes for certifying and registering LPAs. The consultation is available online at [www.dca.gov.uk/menincap/legis.htm](http://www.dca.gov.uk/menincap/legis.htm). If you would like a printed copy, please contact Yeslin Gearty on 020 7664 7549 or by emailing [lpaconsultation@guardianship.gsi.gov.uk](mailto:lpaconsultation@guardianship.gsi.gov.uk). Welsh language easy read and audio versions of the consultation are also available. **The consultation closes on April 14 2006.**

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