



Paper No. SET/5719	
	Tick One ✓
For discussion	
For approval	
For information/noting	✓

Date of Trust Board Meeting: Wednesday 28 August 2019

Confidential or Public Agenda: Public

Agenda item: Update - Mental Capacity Act (Mr Bradley)

1.0 Introduction

- The Mental Capacity Act (NI) 2016 legislation provides a statutory framework for people who lack capacity to make a decision for themselves and for those who now have capacity but wish to make preparations for a time in the future when they lack capacity. When the Act is fully commenced the Mental Health (Northern Ireland) Order 1986 will be repealed for anyone over the age of 16.
- Work is progressing on the first phase of commencement of the Mental Capacity Act for the purpose of Deprivation of Liberty (DoL). The proposed date for the legislation to go live is 1 October 2019.

2.0 Brief summary of key points contained in the paper/s

- The legal framework provided by the Act is supported by a Code of Practice which provides practical information for how the Act works. The Code supports Phase 1 of the implementation and commencement of the Act only. In particular, this Code focusses on how the provisions relating to DOL work.
- All Health and Social Care Trusts must be prepared for the implementation of the new statutory requirements by 1 October 2019.
- The challenge of pace, scale and complexity of implementation are recognised - planning is underway to ensure compliance. The impact of this on services across the Trust and on key groups of staff is significant.

3.0 Recommendation/s for the Trust Board (please state if the paper/s is for information/noting or for approval by Board members)

For Information/Noting:

- Purpose of the DoL Safeguards which is to afford safeguards to people who are deprived of their liberty through short-term detentions (hospital admission). Additionally, the legislation will offer safeguards to people in long-term community placements and to organisations, services and staff who deprive people of their liberty through the support, care or treatment they provide for them.
- The need for regional consensus on system wide issues.
- The work undertaken to date to plan and ensure readiness for implementation on 1 October 2019;
- The issues and challenges of implementing the DoL Safeguards across Trust services for both short-term detentions and community panel authorisations.
- The work ahead over the next 12 months to ensure the Trust meets the new statutory requirements and protects against the risk of breaching the legislation.

Lead Director: Don Bradley

Designation: Interim Director of Adult Services & Prison Healthcare

Date: 19/08/19