

# Mental Capacity & Best Interests Assessments - Advanced



## Aims:

The Mental Capacity Act 2005 has had a considerable impact on all health and social care staff. The legislation covers all health or social care decisions made on behalf of people who lack capacity to consent to care or treatment. Its remit covers all areas where such decisions may be made – private homes, hospital, GP practice, dental surgery, care home, supported living and other locations.

Although many staff have now received training on the Act, they may struggle with specific issues in daily practice and may be unable keep up to date with the latest case law that impacts on their work.

This course considers practice issues under the Mental Capacity Act such as record keeping, disputes, unwise decisions and balancing risk. The course also conveniently disseminates the body of court judgments that apply to mental capacity assessments and best interests. It looks at some of the more complex cases around special issues in assessing capacity such as risk taking, contact, serious treatment, residence, vulnerable people and the inherent jurisdiction. The judgments used are selected to be most useful to health and social care staff and will provide a practical knowledge base they can refer to in daily practice.

Staff will have the opportunity to raise questions they have about their daily practice and will work through real case studies to establish any weaknesses in their practice and improve upon them.

## Programme:

The day will include the following key topics:

- Mental Capacity Act 2005 – brief overview
- Defining & Assessing Capacity – brief overview
- The vulnerable with mental capacity- unwise decisions v the inherent jurisdiction
- Practical issues and challenges in testing capacity: when to assess, frequency, reviews, who should assess, refusals to be assessed, disputes
- Best interests overview- decision making for those lacking capacity
- Best interests case law- record keeping, balance sheet, consulting, less restrictive options
- Best interests- case Law: risk, vulnerability, contact, involving the person, wishes, consulting
- Best interests meeting
- Article 8 European Convention on Human Rights (ECHR) and Family Life

The course will be delivered by  
**Aasya Mughal**

**Aasya** is a barrister and director of Edge. She has provided legal representation for individuals and businesses in civil law matters in the county courts including landlord and tenant proceedings. She also has previously gained considerable experience as an in-patient advocate, working with detained patients on a number of mental health wards and has appeared before the Court of Protection in this role.

She is co-author of three books, an App and three wall charts on the Mental Health Act, Mental Capacity Act and DoLS used by local authorities, hospitals, universities and lawyers. She has also provided legal information and advice to the public on human rights law through the organisation Liberty on a pro bono basis.

 **Date**  
2nd February 2018

 **Time**  
10:00am to 4:00pm

 **Venue**  
Central London EC4Y  
(nearest Underground station Temple)

### Booking details

Places are limited so early booking is recommended.

For a booking form and invoice go to <http://www.edgetraining.org.uk/trainin-g-events.php>

To book and pay online go to

 EventBrite.co.uk and search for: Mental Capacity & Best Interest Assessments - Advanced

 For queries email [assistant@edgetraining.org.uk](mailto:assistant@edgetraining.org.uk)

### Cost

£140 + VAT (£168) including all course materials, certificate and refreshments