

# Specialist Training for Health Professionals (England)

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# About Bond Solon

We are a specialist training company helping organisations meet their legal and safeguarding responsibilities.

**99%**

of delegates believe they will be able apply what they have learnt back in day-to-day practice.



## Our Trainers

All of our trainers are subject matter experts. They are also trained-trainers.

**NPS +91.2**

\*The industry standard for professional training is seen as 0 is good, +20 is favourable, +50 is excellent, and +80 is world class.



## Delivery Methods

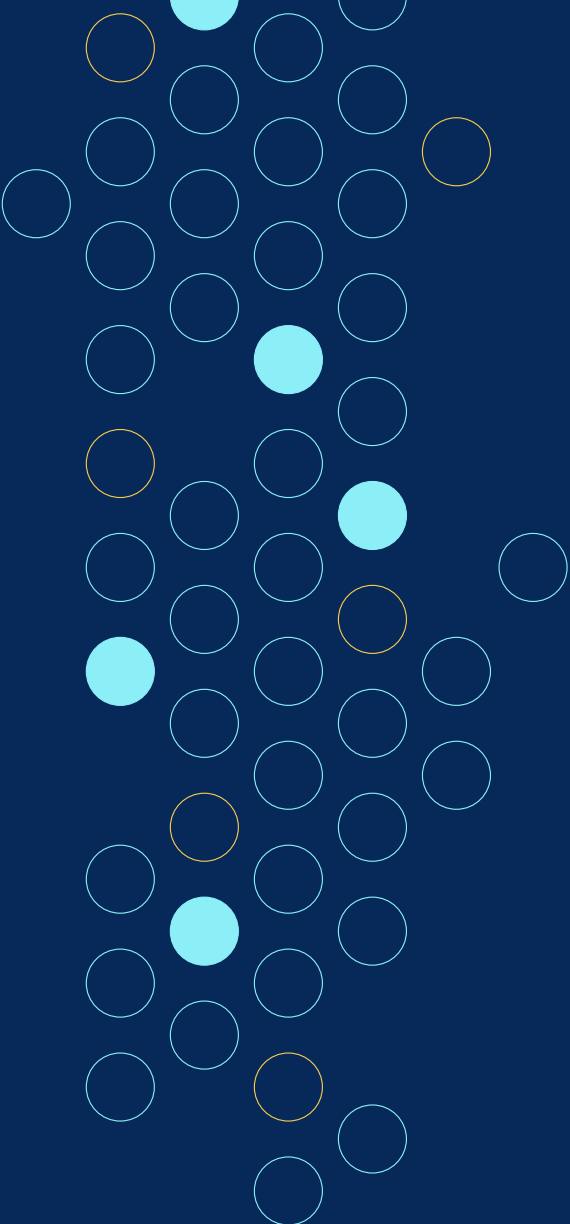
All courses can be delivered face-to-face or via virtual classrooms.

**Over 4,500**

courses delivered each year.



# Skills



# Essential Tool Kit for Record Keeping (1 day)

Records, including notes, are an essential tool which health and social care professionals must be able to use effectively to meet their various legal and professional responsibilities.

## Course Overview

This interactive, practical course has been designed to give an understanding of how, when, and why to write timely and accurate records, including understanding the importance these may have in potential legal proceedings.

This course has been designed to help ensure professionals are able to adopt a defensible practice to their notes and records, while also considering their own accountability and that of their organisation.

Throughout the day, delegates will consider what should, and should not be recorded in care records and the importance of focusing on not just what was said, but also on what is not being said by the person receiving care, alongside their overall presentation.

Delegates will consider what "good" looks like from their own perspective and within their role. They will be assisted to formulate a note keeping template which will help them to capture all relevant information, while considering the audience who will read their notes and records.

The course will conclude with a short cross-examination exercise to further highlight the importance of good record keeping.

## Key Learning Points

By the end of this course, you will be able to:

- Describe what a timely care record is.
- Describe what an accurate care record is.
- Explain why timely care records should be kept.
- Explain how timely care records should be kept.
- Practice contemporaneous record keeping.
- Have the opportunity to defend their recollection under cross-examination by using their records.

# Statement/Report Writing (1 day)

## Course Overview

This practical course will teach delegates how to turn their clinical notes into statements or reports.

Through practical exercises, delegates will learn to review the structure of statements and reports and be able to identify the information that needs to be included. They will learn how to distinguish between facts, inference and opinions, and explore common pitfalls and mistakes made by Healthcare Professionals, in order to avoid them.

Delegates will review statements and reports, including style and format, and use objective assessment criteria to assess their own written evidence.

## Key Learning Points

- Identify the issues to be addressed.
- Distinguish between fact, inference and opinion.
- Ensure any opinion is based on fact.
- Use records, notes and other relevant material as the basis for statements and/or reports.
- Adopt appropriate format, layout and style.
- Develop an objective and critical approach to written evidence.



# Witness Skills for Health Practitioners (1 day)

## Course Overview

Often Witnesses are unprepared for the experience of presenting evidence at court and can find the process daunting. Many professional witnesses feel they are on trial, as if they are standing in the dock, rather than giving evidence to assist the court. Doubt may be cast on witnesses' experience, qualifications, methods and opinions. Their knowledge of their specialist area of work may be tested. Technical terms have to be explained simply and clearly.

This one-day course is designed to ensure that delegates have the support, knowledge and confidence to give a truthful, confident and coherent account whilst involved in court proceedings. In the morning, we look at the theory, practice and procedure of giving evidence in order to demystify the process. In the afternoon we set up a mock courtroom in which delegates will be questioned using a realistic case study.

## Key Learning Points

By the end of the course delegates will be able to:

- Recognise how the adversarial and inquisitorial system works, and distinguish the difference between them.
- Identify the procedures, order of events, and roles and responsibilities of those involved
- Prepare how to give evidence to best practice standards.
- Demonstrate how to make appropriate use of supporting evidence, documents and records while under cross-examination.
- Understand the difference between giving 'opinion' evidence as the 'expert witness' and giving evidence as a professional witness.
- Demonstrate effective ways to withstand lawyers' cross-examination techniques in order to give clear and confident oral evidence in the witness box.

# Coroner's Court Training (1 day)

## Course Overview

Often witnesses are unprepared for the experience of presenting evidence at an inquest and can find the process daunting. Many witnesses feel they are on trial. The reality is that they are there to give evidence to assist the coroner.

This practical course is designed to ensure delegates have the support and knowledge to give a truthful, confident and coherent account at a Coroner's Court inquest.

The course will demystify the process of giving evidence. Delegates will consider the theory of giving evidence at a Coroner's court. They will explore the role and responsibilities of everybody involved in an inquest – including their own. Delegates will also take part in a mock Coroner's Court in which delegates experience being questioned on a realistic case study. This practical role-play allows them to implement the techniques they have learnt during the course in order to remain in control and give effective evidence to the inquest. They will receive feedback on their performance.

## Key Learning Points

By the end of the course delegates will be able to:

- Explain how the inquisitorial system works.
- Identify the procedure, order of events, and the roles and responsibilities of those involved.
- Prepare to give evidence to best practice.
- Identify lawyers' techniques of questioning.
- Be able to combat difficult and adversarial questions.
- Learn how to give clear, honest and objective evidence while under questioning.
- Identify possible findings and verdicts of the Coroner.



# Emergencies on Trial (1 day)

Incidents can lead to inquests, inquiries, criminal prosecutions and/or civil proceedings.

## Course Overview

Emergency planning personnel and other responders are at risk of being called to account in the witness box. Questions may be asked of their experience, training, records, notes and the procedures followed by them and their organisation before, during and after an incident. Interested parties and core participants may have litigious agendas to follow. The procedures involved in giving evidence, the order of events and the roles of different people in inquests, inquiries and courts will be examined. Techniques lawyers use in questioning, particularly cross-examination, and how to deal with these will be explored. The training is based on a case study, a past incident or documentation produced from a tabletop or live exercise. This course is invaluable in reviewing emergency plans, preparedness, response and recovery. It also enables those who collect information which can be used as evidence to see how it can be challenged.

## Key Learning Points

By the end of the course delegates will be able to:

- Understand the role of Cat 1 and Cat 2 responders as witnesses in the adversarial and inquisitorial systems.
- Understand the importance of contemporaneous records and statements.
- Understand the procedures, order of events and roles of those in inquests, inquiries and courts.
- Understand the techniques lawyers use in questioning and how to handle them.
- Give clear, honest and objective evidence.
- Make appropriate use of supporting evidence, documents and notes when giving evidence.
- Give confident and clear testimony under difficult questioning.
- Prepare for giving evidence.

# Chairing Skills (1 day)

## Course Overview

This highly practical and intensive one-day course is designed to ensure that delegates fully understand what is required of them in order to convene and chair multi-disciplinary meetings.

Delegates gain a full understanding of their roles and responsibilities, including the roles and responsibilities of other people and agencies that may be involved. Role-plays and exercises will help delegates explore complex case studies and enable them to put theory into practice using a client-focused approach to successfully convene, participate and chair safeguarding meetings.

## Key Learning Points

By the end of the course delegates will be able to:

- Identify the role and responsibilities of the chairperson.
- Manage and co-ordinate multi-disciplinary meetings to best practice.
- Identify implications for other individuals, agencies and organisations.
- Correctly adhere to information sharing protocols.
- Clearly communicate with individuals from a range of agencies in order to facilitate their contribution.
- Chair meetings to best practice standards.





# Serious Incident Investigation and Reporting (2 days)

The duty of candour places a requirement on NHS Bodies to investigate incidents which trigger the threshold of moderate or serious harm. SIRI is the tool by which this is done. Health providers must ensure that these incidents are identified correctly, investigated thoroughly and trigger actions that will prevent them from happening again.

## Course Overview

Using a variety of investigative processes, including root cause analysis, interviewing skills and issue identification, delegates will learn to identify any systemic shortfall in service delivery and understand the importance of responding to identified risk reporting. Delegates will consider human factors and their potential influence in the investigative and reporting process.

The course will enable delegates to better identify triggers to serious incident investigation. Delegates will consider the importance of getting the right staff with the appropriate degree of skills and seniority to undertake such investigations. They will participate in information gathering with practical sessions on setting terms of reference, collecting, reviewing evidence from a variety of sources, and placing the relevant weight to that evidence.

During the practical sessions, delegates will negotiate the investigation process. They will draft a report for presentation to a panel, basing any recommendations on facts derived from collected evidence.

## Key Learning Points

By the end of the course delegates will be able to:

- Acquire a sound knowledge of the investigative and reporting process.
- Use best practice in evidence gathering techniques.
- Be able to distinguish between different types of evidence and their reliability, credibility and weight.
- Use effective communication and interviewing to obtain best possible evidence.
- Recognise the influence of human factors and their impact and investigations and reporting.
- Use investigative processes including root cause analysis to identify and address key issues.
- Evaluate evidence and make recommendations which logically derive from the facts.
- Share findings, recognition of potential barriers and implementation of identified learning.

# Complaints Training for Health Professionals (1-3 days)

## Course Overview - Day 1- Process Procedure and Information Gathering in Complaints Handling and Investigation

This one-day complaints handling training course is aimed at introducing healthcare professionals to complaints handling and resolution, in terms of principles and practice. It is designed to give them the knowledge, skills and techniques to carry out a complaints investigation to best practice standards.

You will learn how to effectively 'triage' a complaint, making sure you identify and agree the correct issues to be investigated.

The course will cover the whole process of planning a complaints investigation and collecting, recording, assessing and evaluating evidence/documentation.

Delegates will learn how to conduct a fair and objective investigation to establish the facts in the case; in doing so enabling them to support their findings and justify their subsequent actions, decisions and recommendations.

## Key Learning Points

By the end of the course delegates will be able to:

- Accurately define what a complaint is to ensure issues are treated in the appropriate manner.
- Plan and conduct a fair and proportionate complaints investigation.
- Recognise how human factors can influence the complaints process.
- Identify different types of evidence/information.
- Research, collect, record and evaluate evidence and documentation from a wide variety of sources to determine the root cause of the complaint and/or reach justifiable conclusions or decisions.
- Create, maintain and enhance best practice standards in record keeping.



# Complaints Training for Health Professionals (1-3 days) - continued

## Course Overview - Day 2- Questioning and Communication Techniques

During this one-day complaints handling training course, healthcare professionals will learn how to identify the issues around the complaint and effectively plan and structure appropriate interviews.

Delegates will adopt 'empathy in their approach' - making sure as part of this process that they maintain the 'enduring therapeutic relationship', including dealing with staff (and those named in complaints) and all parties with equity.

They will consider a range of questioning techniques available to them. Delegates will also learn how to appropriately and sensitively handle witnesses who maybe angry, upset and confused.

### Key Learning Points

By the end of the course delegates will be able to:

- Plan and prepare a fact finding interview both face to face and over the telephone.
- Use different questioning techniques to establish the facts and to obtain all the available evidence.
- Structure interviews by applying the PEACE (planning, preparation, engage and explain, account, closure and evaluation) model and consider other interviewing models.
- Evaluate the impact of human factors on the interview process.
- Manage challenging behaviours.

## Course Overview - Day 3 - Responding to Complaints - Letter and Report Writing

During this one-day complaints handling training course healthcare professionals will learn how to improve the content, structure and style of the letters and reports they produce through adopting best practice standards.

Delegates will understand the timely and appropriate use of the apology. Attend to get to grips with the judicious use of an apology in responses and how to maintain the relationship with complaints where it is not appropriate to apologise.

By reference to a model letter, and report formats and use of objective assessment criteria to assess their letter and reports, delegates will perfect the quality of the written documentation they produce.

### Key Learning Points

By the end of the course delegates will be able to:

- Include documentary, witness, interview and other evidence in letters and reports.
- Identify issues, facts and the source and weight of those facts, including them in the response.
- Use appropriate layout, format and style in letters and reports.
- Correctly set out the findings and analysis for each point of the complaint in the letter and report.
- Write with clarity, objectivity and purpose.
- Develop an objective and critical eye in relation to the complaint letter and report writing.



# Consent to Treatment and Examination (1 day)

## Course Overview

This 1-day course will clarify the principles laid down in Montgomery, which are now enshrined in the GMC 's Decision Making and Consent Guidance. It will provide practical examples and exercises, allowing medical professionals to safely explore the legal doctrine of "informed consent", with particular regard to what is, and what is not, evidence based information and support with regard to clinical negligence matters.

Professionals are given time to discuss their own concerns and experiences and engage in discussion with both the Trainer and their colleagues.

It is of vital importance that clear, intelligible and accurate records are kept in all stages of discussions with patients and this course will also provide guidance as to the nature and extent of such records, as well as techniques for quickly making and keeping accurate records.

## Key Learning Points

By the end of the course delegates will be able to:

- Discuss the current law on disclosure.
- Discuss the current law on consent.
- Explain the current GMC guidance on disclosure and consent.
- Illustrate what is meant by the terms "voluntary consent", "informed consent" and "evidence-based information and support".
- Distinguish between patients who have the capacity to consent to treatment and those who do not.
- Select information which must be given to a patient to obtain valid, informed, consent
- Develop a plan for effectively obtaining valid voluntary and informed consent within their own practice.

## Aimed At

This course has been designed for medical and healthcare professionals, with particular regard to doctors who work with consenting patients and who want to understand how to get informed consent right every time.

# Clinical Responsibility and the Law (1 day)

## Course Overview

All healthcare professionals must understand and maintain the required professional standards.

Clinical Responsibility is an intensive and practical training day. Through trainer-led discussions and practical case studies, the issues facing healthcare professionals in their daily practice will be examined. Accountability within the organisation and individual responsibility will both be considered.

The extent and nature of the professional's duty of care will be discussed in light of relevant case law. The distinction between a negligent act and an error of judgement will be analysed. The risk of blame and litigation will be put in context to demonstrate how to practice safely and lawfully, without being hindered by unrealistic fears.

The principles of clinical audit and risk management will be discussed to enable learning and improvement in clinical practice to create and maintain best practice standards.

## Key learning points

By the end of the course delegates will be able to:

- Recognise the implications of Clinical and Managerial responsibility.
- Assess Personal and Corporate Accountability.
- Appreciate the responsibility of the organisation and the individual to understand the extent of the duty of care.
- Understand when an adverse outcome constitutes negligence.
- Identify requirements for achieving a successful defence and justification of clinical practice when there is an adverse outcome.
- Implement best practice Clinical Audit and Risk Management in a non-blaming culture.



# De-escalation, Lone Working and Breakaway Techniques (1 day)

## Course Overview

This course is designed to give your staff the knowledge and confidence to reduce the risk of harm to them when faced with a potentially violent situation by using effective de-escalation techniques. Delegates will learn that breakaway techniques are always a last resort.

Delegates will be taught that size and strength isn't important but that the techniques taught are. All techniques are effective and risk assessed ensuring you meet your legal responsibilities as an employer under the Health and Safety at Work Act 1974.

## Key Learning Points

By the end of the course delegates will be able to:

- Recognise the signs of aggression.
- Know the importance of de-escalation.
- Demonstrate de-escalation techniques.
- Explain the stages of a violent episode (Kaplan and Wheeler).
- Explain the 'Batari box' and how this affects our relationship with an aggressive person.
- Explain the Behavioural Influence Stairway Model (BISM). This model was devised by the FBI to resolve conflict with a person. The model is 90% effective in resolving conflict without using force.
- Consider risks - the factors that should be considered when thinking about personal safety.
- Use the People, Environment and Task (PET) risk assessment method.
- Have improved communication skills when we are dealing with an aggressive person.
- Comply with the legislation allowing the use of force against another person.

# Working with Difficult to Engage Adults (1 day)

## Course Overview

The course aims to arm Health Care Professionals, working with difficult to engage adults, with the skills to identify what leads to a lack of engagement and to define and recognise difficult to engage behaviour such as ambivalence, avoidance, confrontation, and violence. The course will also explore what is meant by professional curiosity and respectful challenge. Delegates will consider relevant legislation for intervention to include the Human Rights Act 1998, the Care Act 2014 and the Mental Capacity Act 2005, along with statutory guidance and best practice guidance around Making Safeguarding Personal. Delegates will also explore how the appropriate and timely sharing of information and a multiagency approach is vital to safeguard adults and professionals where adults are not willing to engage or cooperate directly or indirectly.

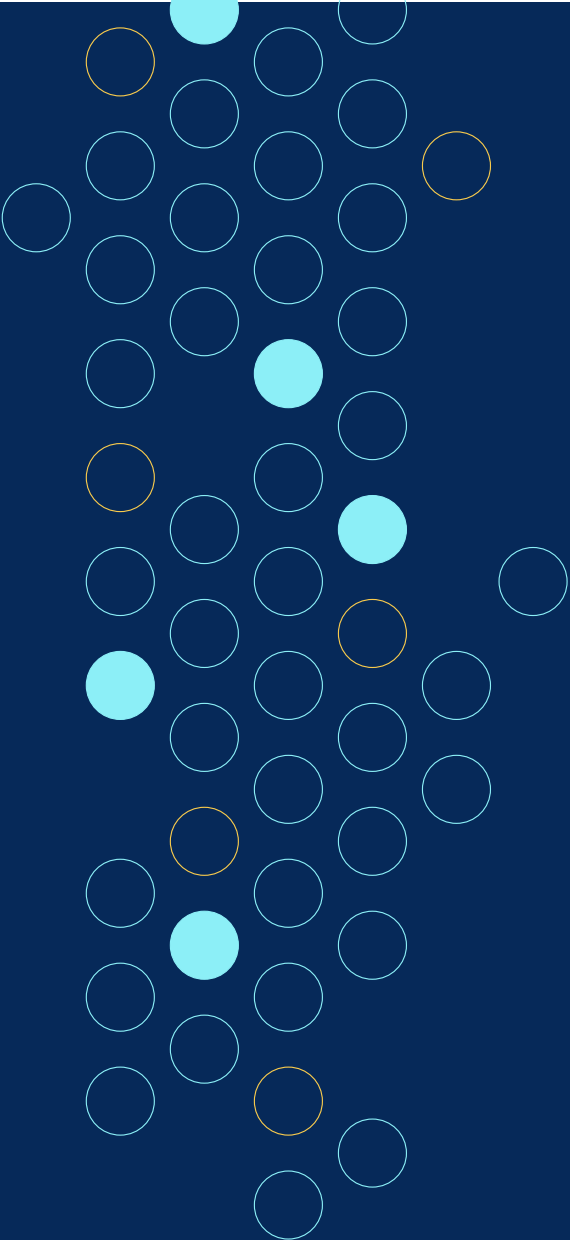
## Key Learning Points

By the end of the course delegates will be able to:

- Define who are "difficult to engage adults".
- Explain what leads to a lack of engagement with some adults.
- Describe types of uncooperative behaviour to include ambivalence, avoidance, resistance, intimidation, confrontation and violence.
- Explore what is meant by "professional curiosity".
- Explore the relevant legal framework from Human Rights through to policy and procedures.
- Prioritise the adult's needs by applying Making Safeguarding Personal.
- Assess the effectiveness of multi-agency working and sharing of information to safeguard adults and professionals.
- Recognise the importance of creating and collecting factual evidence that builds a holistic picture around the adult.
- Recognise the importance of risk assessments and the production of well-crafted action plans which identify how risks can be managed or reduced.
- Evaluate if there is adequate support and supervision of staff to enable staff to respond appropriately to risky or hostile behaviour.
- Identify the key learning from some of the adult safeguarding reviews.



# Safeguarding



# Safeguarding Children and Adults at Risk of Harm (1 day)

## Course Overview

The course explores the transition from protection to safeguarding. Delegates will consider different types of abuse and their characteristics. The individual's responsibility for raising a concern, and subsequent actions and involvement, will also be outlined.

Delegates will look at the general principles applying to children and young people, the legal framework and safeguarding process. The principles and duties of safeguarding adults will be reviewed. Delegates will also explore the proactive requirements for working safely with members of vulnerable groups.

This course also addresses the issues which arise in the context of joint working between agencies and professionals. Shortcomings, lessons learnt, and recommendations made by enquiries will be discussed.

## Key Learning Points

By the end of the course delegates will be able to:

- Respond appropriately when a cause for concern is identified.
- Have increased understanding of the legal requirements.
- Apply the principles to practice.
- Work safely with members of vulnerable groups.

# Clinical Leadership in Safeguarding (2 days)

## Course Overview

The course will explore the safety and governance of an organisation. This includes the culture, ethos and principles underpinning safeguarding to ensure it is core business. There is a focus on making safeguarding personal and person centred for all children, adults and staff.

Consideration will be given to the statutory duties and responsibilities of the NHS as a public authority in public law, the importance of human and equality rights plus the duties and responsibilities for safeguarding both children and adults within the Care Act 2014, the Children Acts 1989 & 2004 plus any other relevant legislation.

The course will explore best practice in relation to record keeping and defensible decision making as well as the impact on children and adults following inadequate safeguarding and poor practice around records and record keeping.

The day will conclude with the exploration of the Coroner's Court.

## Key Learning Points

By the end of the course delegates will be able to:

- Understand and explain organisational and individual accountability for safeguarding children and adults.
- Demonstrate enhanced legal literacy around relevant legal frameworks to support and drive safeguarding strategy.
- Examine the importance of effective multi-agency working and relevant duties and responsibilities under legislation.
- Identify 'best practice' in record keeping and decision making.
- Examine the consequences of inadequate safeguarding children and adults especially around poor records, record keeping and reporting.
- Explain the role of the witness in the court system, in relation to safeguarding children and adults, with a focus on the Coroner's Court.



# Executive Leadership in Safeguarding (1 day)

This course has been designed for those NHS Senior Executive leaders who have Board accountability for safeguarding children and adults; Executive leaders from CCGs including Chief Executives, Accountable Executives, Directors, Chief Nurses and leaders from Integrated Care Systems and Partnerships

## Course Overview

The course will explore the culture, attitude and ethos necessary to enable safeguarding to be “core-business” throughout the NHS. Current duties and responsibilities will be examined whilst considering the emerging Integrated Care Systems and Partnerships and their journey ahead. We will also look at the impact COVID-19 has had on safeguarding and how we emerge from the pandemic and beyond.

We will explore what Senior Executives must do to ensure that the legal framework for safeguarding within the NHS is being applied. This will focus on the importance of the obligations and duties the NHS as a public sector body has to Respect, Protect and Fulfil the rights that people have under the Human Rights Act 1998 when carrying out the functions of safeguarding. The course will also take a look at the duties to eliminate discrimination and advance equality of opportunity under the Equality Act 2010 and within the main statutes around adult and child safeguarding to include The Care Act 2014, The Children Acts 1998 and 2004, The Children and Social Work Act 2017, and the proposed Domestic Abuse Bill 2020, accompanying guidance and the importance of Making Safeguarding Personal, the Voice of the Child and Think Family.

You will explore what this means for safeguarding at the strategic level with a focus on integration, prevention, collaboration and partnerships, and what this means for contracts and commissioning.

The course will allow reflection on the consequences of poor safeguarding practice on the outcomes for adults and children with consideration from lessons learnt through audits, complaints, ombudsman case law, coroners and various types of safeguarding reviews.



# Restorative Safeguarding Supervision (4 days)

Safeguarding is at the heart of health and social care. To ensure that it is “core business” supervisors and managers must have a clear and robust understanding of how to support and advise those they work with.

Often Safeguarding Adult Reviews (SARs), Serious Case Reviews (SCRs), inspection reports and Judicial reviews are critical on the supervision, support and legal literacy of those involved. It is therefore essential staff receive appropriate Safeguarding Supervision Training.

## Course Overview

Designed in partnership with NHS England, this programme will ensure that your workforce are able to provide effective supervision in order to promote a safe and supportive environment, while being able to respond to the increasing demands for high performance.

Delegates will:

- Learn how to empower teams and individuals through coaching and supervision techniques.
- Look at the quality of relationships in order to assist with the success and well-being.
- Explore the techniques to overcome barriers in communication, to accomplish effective skills to communicate and influence effectively.
- Be able to promote safeguarding as core business and offer supervision in an accountable process which supports, assures and develops the knowledge, skills and values of an individual, group or team.

The purpose is to improve the quality of work and achieve better outcomes for those at risk, and will promote:

- Good standards of practice.
- Support for individual staff members.
- Practice being soundly based in evidence and consistent.
- Staff understanding their roles and responsibilities and the scope of their professional discretion and authority.
- Identification of training and development needs.
- Scrutiny and evaluation of work carried out.
- Assessment of strengths and weaknesses of staff.
- Excellence in record keeping.

## Key Learning Points

By the end of the course delegates will be able to:

- Understand themselves and others as a platform to supervisory success.
- Supervising with a coaching style.
- Managing individuals.
- Implement safeguarding Safeguarding as Core Business.
- Learn from Safeguarding Adult Reviews, Serious Case Reviews, Domestic Homicide Reviews.
- Improve the quality of direct practice with children, young people and adults.
- Manage organisational factors that influence how practitioners work.
- Manage inter-professional and inter-agency issues.





## Section 42 Safeguarding Enquiries (2 days)

### Course Overview

The Care Act 2014 placed adult safeguarding on a statutory footing. Local Authorities have a duty to make or cause to make an enquiry if a case meets the criteria in section 42. The Act and accompanying statutory guidance marks a shift away from process driven safeguarding to Making Safeguarding Personal.

This highly practical and interactive two-day course is designed for professionals who are required to conduct the enquiry under Section 42 of the Care Act 2014.

The course follows a 'live' fictional safeguarding concern which is delivered through a rolling case study throughout the two days.

### Key Learning Points

By the end of the course delegates will be able to:

- Explain the duties of the LA and responsibilities of the relevant partners under Section 42 of The Care Act 2014.
- Explain the safeguarding adults process and procedures.
- Articulate how the Care Act 2014 duties interface with other relevant legislation including the Human Rights Act 1998 and the Mental Capacity Act 2005, with a focus on the tension between autonomy, risk and protection.
- Construct a risk assessment using a risk assessment tool.
- Explain the importance of adopting a Making Safeguarding Personal approach.
- Plan and conduct an enquiry to best practice standards.
- Demonstrate recording notes and records to best practice standards.
- Assess notes and records to formulate a report to best practice standards.

## Domestic Abuse Act for Health Professionals (1 day)

The law on domestic abuse has changed and while some of the old law will remain in place, aspects of legislation have been added, amended, or repealed by the 2021 Act.

Delegates will learn the differences between the current and new legal frameworks, evidential tests and legal procedure between the criminal and family courts.

There will also be additional duties and powers afforded to public bodies, including health, social care and housing - all responsible to the newly appointed Domestic Abuse Commissioner and who will make up the new mandatory Domestic Abuse Partnership Panels.

The course will help identify which applications, remedies and orders can be sought from each court and what they provide by way of safeguarding protection to the victims of domestic abuse, as well as an understanding on the future expectation and responsibilities of all statutory and voluntary agencies.

### Key Learning Points

By the end of the course delegates will be able to:

- Identify the current relevant legal framework as well as the new legislative changes in force under the Domestic Abuse Act 2021.
- Distinguish between the applications in the criminal and family courts.
- Identify what constitutes best evidence to enable a court to make 'findings of fact'.
- How to assist in presenting and preparing evidence.
- Practical application, procedure and remedies in relation to all areas of domestic abuse including exclusion of perpetrators.
- Breaches and enforcement.
- Private law / contact / children and domestic abuse.
- Changes to police powers and duties on local authorities.



# Children Looked After (2 days)

## Course Overview - Day 1 - Younger Children

On day one, the course will explore best practice in relation to private and public law, Children Act matters, adoption law and guidance including regulatory compliance and good practice with reference to recent case law and reviews.

Consideration will be given to:

- The legal framework – identifying the relevant statutory duties that surround children that are looked after.
- The importance of human and equality rights, plus the duties to safeguard children with reference to:
  - The Children Act 1989.
  - The Children Act 2004.
  - The Children and Families Act 2014.
  - The Children and Social Work Act 2017.
  - Relevant case law and reviews.

Delegates will examine the relevant legislation to include the following topics:

- Parental responsibility.
- Private law.
- Child in need.
- The relaunched public law outline.
- Care orders.
- Child protection.
- Placement orders.
- Adoption.

## Key Learning Points

By the end of the course delegates will be able to:

- Identify how welfare decisions are made and understand the relevant 'workings out'.
- Understand how to evidence proportionality and Article 8 considerations, recognising all options, adoption being the most draconian.
- Evaluate the role of parental responsibility and informed consent, including Gillick competent children and those aged 16/17.
- Understand the no delay principle and how the PLO process supports decision making for children within the Children and Families Act 2014.
- Identify the 'child in need' provisions pursuant to s17 of The Children Act 1989.
- Evaluate the key recommendations of the Review into the murders of Arthur Labinjo-Hughes and Star Hobson.

## Course Overview - Day 2 - Older Children

The course is designed for all professionals with responsibility for older children who are looked after.

The training will consider the relevant legal framework that protects older children who are looked after and the importance of their human and equality rights –regardless of whether the child is placed at home, in voluntary accommodation, in secure accommodation, is subject to care proceedings or being deprived of their liberty.

The training will explore the important distinctions between children in care by virtue of voluntary accommodation (s.20) and those in care under a care order (s.31). Consideration will also be given to roles and responsibilities around care leavers.

There will be a review of the recent decisions made by the High Court including Re T [2021] UKSC 35, Wigan BC v Y [2021] EWHC 1982 (Fam), Tameside MBC v L [2021] EWHC 1814 and Re J (Deprivation of Liberty: Hospital) [2022] EWHC 2687 (Fam) which relate to children with extreme complex needs and behaviours being assigned to unsuitable and unregulated placements.

We will also review the commitment of other partners and agencies to truly 'working in partnership' with the young person, their family, their carers and all other professionals.

## Key learning outcomes

- Demonstrate enhanced legal literacy around relevant legal frameworks to support and drive best practice when engaged with older children.
- Explore how legislation can provide an adequate safety net around children that are looked after, when it is properly understood and applied.
- Ensure all welfare decisions are statute compliant.
- Evaluate the consequences of inadequate responses to safeguarding older children who are looked after.
- Identify the learning from recent case law when considering complex cases regarding older children.
- Illustrate how that learning can promote better outcomes for children including those leaving care and transitional safeguarding.



# Financial Abuse - Protecting Adults at Risk (1 day)

## Course Overview

Tens of thousands of people each year fall victim to financial abuse. This can take a variety of different forms within relationships, whether by partners, family members or carers or others, and may manifest itself as financial control, dependency or exploitation.

This course helps health and social care professionals to recognise indicators and forms of financial abuse and understand the options available through the legal frameworks which may offer solutions or protections.

## Key Learning Points

By the end of the course delegates will be able to:

- Recognise the forms of financial abuse.
- Identify factors which may expose people to financial abuse.
- Explain the extent and impact of financial abuse.
- Identify the options available from the legal framework to prevent and protect people from financial abuse.
- Explore the range of strategic recommendations to combat and reduce the threat of financial abuse for adults at risk.

# Self-Neglect and Hoarding (1 day)

## Course Overview

Self-neglect, which can include hoarding, is a challenging aspect of contemporary adult health and social care, brought into sharp focus by the duties under the Care Act 2014 and the complicated interface with human rights and mental capacity.

The challenge for professionals, between respecting autonomy and managing risk and protection, is complex and is the subject of research and frequent adult safeguarding reviews.

This course provides an in-depth overview of the legal framework surrounding this complex area of work with an exploration into the ethical dilemmas in practice.

## Key Learning Points

By the end of the course professionals will be able to

- Identify key relevant legislation, policy, research and case law.
- Recognise self-neglect and its different forms.
- Outline how best to respond in self-neglect cases using a Making Safeguarding Personal approach.
- Examine the balance between autonomy, risk and protection.
- Explain when self-neglect is a safeguarding issue.
- Articulate the importance of robust risk assessments/capacity assessments.
- Identify the benefits of multi-agency work and processes.



# Modern Slavery (1 day)

## Course Overview

Slavery is not an issue confined to history, or an issue that only exists in other countries. Modern slavery happens in the UK and is a challenging aspect of contemporary adult health and social care practice.

This course aims to help professionals understand what modern slavery is, who is affected, how to spot the signs and how to navigate the human side of this difficult and complex area of work and respond effectively.

## Key Learning Points

- Explain the key relevant legislation and policy which underpin intervention.
- Identify the duties created by the Modern Slavery Act 2015.
- Recognise the different categories of slavery sitting under the umbrella term of “modern slavery”.
- Identify the signs of modern slavery.
- Recognise potential victims of modern slavery.
- Discuss and develop strategies to support victims of modern slavery.

# Human Rights Act for Healthcare Professionals (1 day)

## Course Overview

The Human Rights Act 1998 places duties on public authorities to protect, respect and fulfil citizen’s human rights. The aim of this course is to help health and social care professionals in public authorities understand how the Human Rights Act relates to what they do, and how they do it. This one-day course will explore the history of human rights as well as how to apply the rights and freedoms to everyday practice in health and social care.

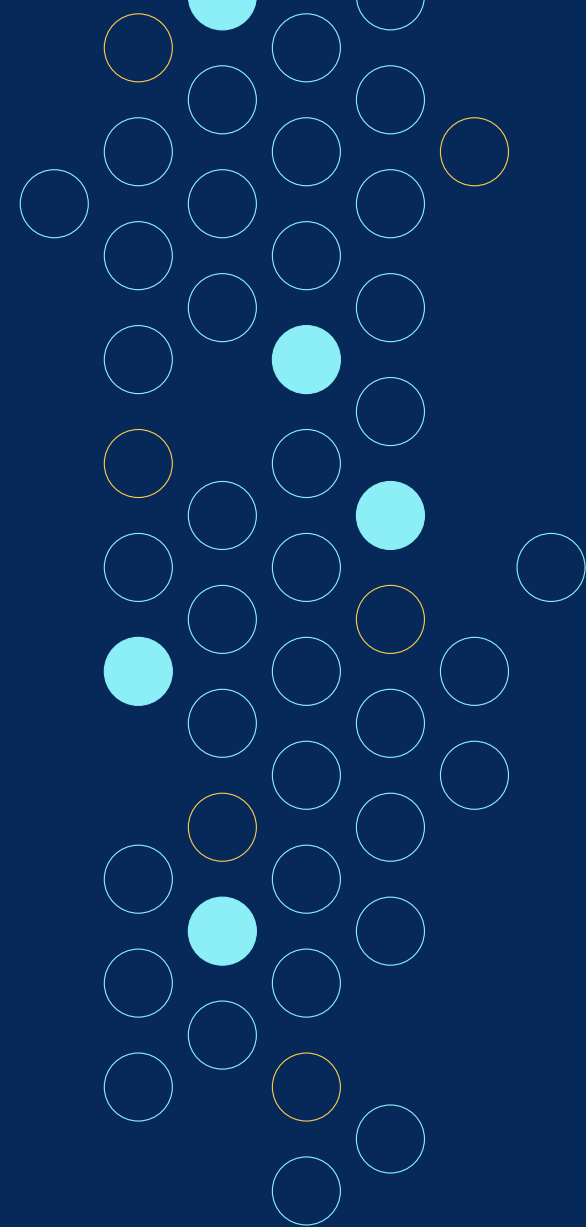
## Key Learning Points

By the end of the course delegates will be able to:

- Outline the history of Human Rights.
- Recognise the importance of applying the FREDA values and principles in everyday practice.
- Explore what is meant by human rights.
- Explain the different types of rights and freedoms we have.
- Identify the European Convention on Human Rights Articles relevant to health and social care.
- Discuss the myths and facts around human rights.
- Apply the rights and freedoms into practice in real life examples and case studies.



# Mental Capacity and Deprivation of Liberty



# Essential Tool Kit - MCA/DoLs (1 day)

## Course Overview

This course is aimed at healthcare professionals who work with adults. It has been designed to enable them to gain an overview and robust understanding of the Mental Capacity Act 2005 and Deprivation of Liberty Safeguards and to be able to integrate them into day-to-day practice.

The course will look at the key principles of the Mental Capacity Act and covers:

- How capacity assessments are carried out.
- What it means to act in someone's "best interests".
- How to acquire a legal defence for any routine decisions or interventions made whilst arranging for or providing care and treatment for adults who lack the capacity to make them.
- Identifying when decisions made on behalf of an adult without capacity have led them to become deprived of their liberty and what to do about it.

## Key Learning Points

By the end of the course delegates will be able to:

- Understand how the Mental Capacity Act 2005 and the Mental Capacity (Amendment) Act 2019 applies to adults and how it should be integrated into day-to-day practice.
- Examine the potential overlap between The Mental Health Act 1983 and the Mental Capacity Act 2005 and explain circumstances in which each could apply with consideration of relevant up to date case law.
- Recognise when "mere" restraint, interventions go beyond "mere" restraint and into a deprivation of liberty.
- When this happens, learn how to apply the current appropriate statutory framework under DoLS.
- Consider and analyse a series of complex case studies to enable healthcare workers to apply their learning.

# Advanced MCA (1 day)

## Course Overview

The Mental Capacity Act 2005 (Act) provides the legal framework for professionals in health and social care working with people who may be unable to take decisions for themselves in respect of their care and treatment.

This course is aimed at all health and social care professionals who work with adults, to enable them to gain an in-depth exploration and robust understanding of the Act and integrate the theory and process into everyday practice.

## Key Learning Points

By the end of the course delegates will be able to:

- Outline the key purpose and ethos of the Act.
- Explain how the five core principles relate to day-to-day practice.
- Apply the key elements of the test for capacity, in line with case law, to complex case studies.
- Analyse the concept of best interests and explore the best interests checklist in light of case law developments.
- Examine the continuum from routine decisions for care and treatment protected by Section 5 of the Act, through to interventions that involve restriction and restraint.
- Understand when an intervention goes beyond mere restriction to potentially being classed as a deprivation of liberty and link to care management.
- Examine the duties and role of an Independent Mental Capacity Advocate.
- Outline the role of the Lasting Power of Attorney and the Court Appointed Deputy.
- Examine the role of the Court of Protection in recent case law developments.



# MCA for Managers (1 day)

## Course Overview

To ensure senior staff and managers have a detailed understanding of the Act to enable them to guide and challenge front line staff on how to apply the MCA 2005 principles when assessing capacity and applying the best interests. The course will also explore how to record the assessments to provide senior staff and managers with the assurance they display sufficient rigour to justify their conclusion.

This is a one-day in-depth exploration of the duties and responsibilities under the Mental Capacity Act 2005 for senior staff and managers.

## Key Learning Points

By the end of the course delegates will be able to:

- Identify the basic principles of public law and the importance of knowing the limits of your authority as a public authority under the Act.
- Recognise the importance of a human rights and equality based approach to applying the Act.
- Ensure staff not only “do things right” lawfully but “do the right thing” from an ethical viewpoint to protect and promote human rights and practice defensible decision making on behalf of the public authority.
- Evaluate good practice in the assessment and recording of capacity to ensure assessments are criteria focused, evidence based, person centred and non judgmental.
- Understand the legal defence provided by section 5 of the Act for “routine decisions” and by section 6 for “routine decisions which include restriction and restraint” to ensure staff avail themselves of the protection in their everyday work and ensure that is translated into care planning.
- Consider the complex dynamics of fluctuating and executive capacity and how to apply the Act to best practice standards to include detailed look at current case law
- Identify and apply best practice standards to include a detailed look at current case law.
- Identify and apply best practice in applying the best interest checklist to include a detailed look at current case law.
- Understand the role of the LPA/Deputy/IMCA.
- Recognise the importance of the DoL Safeguards.
- Evaluate the consequences of getting things wrong.

# Essential Tool Kit - Mental Capacity Act and Deprivation of Liberty of Children (1 day)

## Course Overview

This course is aimed at Health Care Professionals who work with older children. It has been designed to present an overview of the Mental Capacity Act 2005. Delegates will gain a robust understanding of the Act which is essential where there is a Deprivation of Liberty for 16 and 17 year olds and children of all ages.

When considering 16/17 year olds, the course will look at the key principles of the Mental Capacity Act and will cover:

- How capacity assessments are carried out.
- What it means to act in someone’s “best interests”.
- How to acquire a legal defence for any routine decisions or interventions made whilst arranging for or providing care and treatment for older children who lack the capacity.
- Identifying when decisions made on behalf of a child without capacity have led to them being deprived of their liberty and what to do about it.

When considering Deprivation of Liberty, the course will consider the circumstances that result in restrictions being placed upon the child by exploring:

- Parental responsibility.
- Voluntary accommodation.
- Care orders/care plans.
- S.25 Children Act 1989 - Secure Accommodation Orders.
- S.100 Children Act 1989 - Inherent Jurisdiction.
- The Mental Health Act 1983.

## Key Learning Points

By the end of the course delegates will be able to:

- Understand how the Mental Capacity Act 2005 and the Mental Capacity (Amendment) Act 2019 applies to children and how it should be integrated into day-to-day practice.
- Examine the potential overlap and tension that can exist between the Children Act 1989, the Mental Health Act 1983, The Mental Capacity Act 2005.
- Recognise when “mere” restraint interventions go beyond “mere” restraint and become a ‘Deprivation of Liberty’.
- Identify the different circumstances that lead to a child being deprived of their liberty.
- Consider what conflicts there could be between the wishes of the child, the family, carers and professionals.
- Consider and analyse case law in this complex area.
- Apply the learning to a case study to enable healthcare workers to build confidence.



# Advanced Deprivation of Liberty Safeguards Training (DoLS) (1 day)

## Course Overview

The Mental Capacity Act 2005 (Act) provides the legal framework for professionals in health and social care working with people who may be unable to take decisions for themselves in respect of their care and treatment. The Deprivation of Liberty Safeguards (DoLS) were introduced in 2007 to provide the legal framework for those people who are unable to make decisions for themselves around their care and treatment and are subject to a level of restrictions which amount to a deprivation of liberty to protect their human rights.

The course is aimed at all health and social care professionals who work with adults to provide them with an in-depth exploration and robust understanding of the Mental Capacity Act 2005 DoLS to enable them to integrate the theory and process into everyday practice.

## Key Learning Points

By the end of the course delegates will be able to:

- Outline the key purpose and ethos of the Act.
- Explain the five core principles and how they relate to the concept of deprivation of liberty.
- Explore the key elements of the test for capacity and what the “specific decision” is in relation to the DoLS.
- Describe how the concept of best interests links to the DoLS.
- Examine the continuum from routine decisions, interventions that involve restriction and restraint and deprivation of liberty.
- Explore the concept of necessary and proportionate in relation to risk of harm.
- Examine what a deprivation of liberty is in line with European and UK case law and how to identify when a person may be deprived of their liberty.
- Explore the DoLS process, duties of the Managing Authority and Supervisory Body, what assessments are required to satisfy the qualifying requirements and the role of the assessors.
- Outline when it may be appropriate to apply the Ferreira judgment to hospital settings.
- Consider the role of the relevant person’s representative and deprivation of liberty Independent Mental Capacity Advocate.
- Examine the role of the Court of Protection in the section 21A appeal process.

# MCA and MHA Interface (1 day)

Practitioners often face the challenge regarding when to implement the procedures under the Mental Health Act 1983 or those provided for under the Mental Capacity Act 2005 to authorise a deprivation of liberty for those lacking capacity to consent to admission to psychiatric hospital, and the interface and overlap between the two procedures both in hospital and in the community.

## Course Overview

This course explores this overlap regulated by the provisions of Schedule 1A of the Mental Capacity Act 2005 with a focus on both the relevant statutes, statutory codes of practice and case law to enable practitioners to decide when to use each procedure to authorise a deprivation of liberty in day-to-day practice.

## Key Learning Points

By the end of the course delegates will be able to:

- Explore an overview of the law in England and Wales which allows individuals with mental health problems requiring assessment and treatment, to be admitted and detained in hospital and treated in the community.
- Understand the interface/overlap between the Mental Health Act 1983 and the Mental Capacity Act 2005 provided for in Schedule 1A, and be able to apply that knowledge to decide when to use each procedure to authorise a deprivation of liberty –both in hospital and in the community in day-to-day practice.
- Understand and apply the relevant statutory Codes of Practice.
- Identify and apply the relevant European and domestic case law.
- Consider and analyse a series of complex case studies to enable practitioners to apply their learning.





# MCA - Assessing Executive Function/ Dysfunction (1 day)

## Course Overview

The Mental Capacity Act 2005 (Act) provides the legal framework for professionals in health and social care working with people who may be unable to take decisions for themselves in respect of their care and treatment and where executive dysfunction may be a concern.

This course is aimed at all experienced health and social care professionals who work with young people or adults, to provide them with an in-depth exploration of the Act, with a focus on executive dysfunction and to enable them to integrate the theory and case law into everyday practice.

This course will explore situations which regularly come up in day-to-day practice in complex cases involving executive dysfunction. Delegates will consider how to apply the Act to a range of those situations to meet best practice standards, whilst integrating case law into those discussions.

## Key Learning Points

By the end of the course delegates will be able to:

- Examine in detail the concept of executive dysfunction.
- Explain the importance of supported decision making and advance planning.
- Construct an assessment to best practice standards in line with current case law.
- Examine the best interests checklist and apply it to complex case studies - involving fluctuating capacity, in line with current case law and policy - especially around participation of people in decision making. And ensuring the voice of the person is heard through integration of wishes, feelings, values and beliefs.
- Explore how to interpret the best interests checklist in line with case law when dealing with cases around executive dysfunction.
- Outline when a lasting power of attorney, an advance decision to refuse treatment or a deputy may be a bar to making a decision.
- Consider when to involve the Court of Protection.

# MCA Fluctuating Capacity (1 day)

## Course Overview

The Mental Capacity Act 2005 (Act) provides the legal framework for professionals in health and social care working with people who may be unable to take decisions for themselves in respect of their care and treatment and where fluctuating capacity may be a concern.

This course is aimed at all experienced health and social care professionals who work with young people or adults. It provides them with an in-depth exploration of the Act, with a focus on fluctuating capacity, to enable them to integrate the theory and case law into everyday practice.

This course will explore situations which regularly come up in day-to-day practice. There is a focus on complex cases involving fluctuating capacity, with consideration given to how to apply the Act to a range of those situations to meet best practice standards whilst integrating case law into the discussion.

## Key Learning Points

By the end of the course delegates will be able to:

- Apply the five core principles into practice.
- Explain the importance of supported decision making.
- Examine in detail, the concept of fluctuating capacity.
- Construct an assessment to best practice standards in line with current case law.
- Examine the best interest checklist and apply it to complex case studies in line with current case law and policy - especially around participation of people in decision making - and ensuring the voice of the person is heard through integration of wishes, feelings, values and beliefs.
- Explore how to interpret the best interest checklist in line with case law when dealing with cases around fluctuating capacity.



# MCA Tenancy Agreements (1 day)

## Course Overview

The Mental Capacity Act 2005 (Act) provides the legal framework for professionals in health and social care, working with people who may be unable to take decisions for themselves in respect of their care and treatment, which will include issues arising out of the signing of and surrendering of tenancy agreements.

This course is aimed at all experienced health and social care professionals who work with young people or adults to provide them with an in-depth exploration of the Act, with a focus on capacity to sign and/or surrender a tenancy agreement and enable them to integrate the theory and case law into everyday practice.

The course aims to explore situations which regularly come up in day-to-day practice. There is a focus on complex cases involving tenancies, with consideration given to application of the Act in a range of situations. Best practice standards and case law will be integral to the discussion.

## Key Learning Points

By the end of the course delegates will be able to:

- Examine in detail the core principles of the Act.
- Explain the importance of supported decision making.
- Construct an assessment to best practice standards, in line with current case law, to include what would be considered "salient" information relevant to the signing and surrender of tenancy agreements.
- Examine common mistakes made by professionals involving tenancy agreements.
- Identify legal instruments which give power to others in respect of tenancy agreements.
- Consider when to involve the Court of Protection.

# Court of Protection - Overview (1 day)

## Course Overview

Health and social care professionals are often faced with making decisions that affect people's fundamental human rights. Decisions are often taken under the Mental Capacity Act 2005 about where a person is to live, who they see, decisions around care and treatment and sometimes it is necessary to consider an application to the Court of Protection.

This aim of this course is to introduce those who are not necessarily familiar with the workings of the Court of Protection, to understand the role and powers of the Court of Protection, the various professionals involved in the Court process, the types of applications that can be made to the Court and the various processes involved.

The course is designed to enable professionals to identify when it is appropriate to make an application to the Court of Protection and what application is appropriate. The course will also assist professionals to understand the factors the court consider when granting orders or making declarations.

## Key Learning Points

By the end of the course delegates will be able to:

- Outline the role and workings of the Court of Protection.
- Identify the powers of the court and the roles of various professionals involved in the Court process.
- Explain the types of applications that can be made to the Court of Protection.
- Consider situations when an application to Court must and may be made.



# Court of Protection – Deprivation of Liberty (1 day)

Health and social care professionals are often faced with making decisions that affect people's fundamental human rights. These decisions are often taken under the Mental Capacity Act 2005 about where a person is to live, and sometimes the arrangements for that care and treatment in the place where they are to live amount to a deprivation of liberty and an application to the Court of Protection is required.

Professionals including Best Interest Assessors may be asked to prepare or contribute to the preparation of a welfare application to the Court of Protection under the Re X streamlined process for a deprivation of liberty authorisation in the community.

This aim of this course is to introduce those who are not necessarily familiar with the workings of the Court of Protection, to the powers of the Court in relation to what is commonly known as either the COP DOL process, the Re X process or sometimes the community DOL process.

The course is designed to enable delegates to identify when it is appropriate to make an application to the Court of Protection and what application is appropriate, as well as providing delegates with the skills and knowledge to complete the appropriate application documentation to include annexes and statements with confidence.

It is expected that professionals will have an in-depth knowledge of human rights, mental capacity and the concept of deprivation of liberty to attend this course.

## Key Learning Points

By the end of the course delegates will be able to:

- Consider the powers of the Court of Protection in relation to the COP DOL application process.
- Apply existing knowledge around human rights, mental capacity and deprivation of liberty concepts to the COP DOL application process.
- Explore the application process, forms, guidance and documentation.
- Complete the application documentation to include annexes and statements with confidence.



# Best Interest Assessor (BIA) Qualification (4 days)

## Course Overview

The Best Interest Assessor role was created in 2007, with the amendment of the Mental Capacity Act 2005, which introduced the Deprivation of Liberty Safeguards.

The BIA course is a standalone 20 credit module at Post Graduate Level 7, aimed at social workers, first level nurses, occupation therapists, chartered psychologists and Approved Mental Health Professionals. They will have at least two years post qualification experience and will have the skills and experience appropriate to the assessment. This must include an applied knowledge of the MCA and related Codes of Practice, the ability to keep appropriate records and provide clear, reasoned reports in accordance with legal requirements and good practice.

The key educational aim of this course is to ensure you are able to understand the role of, and practice as a BIA. The role was devised to carry out a specific function under this legal framework. It is driven by a strong commitment to human and equality rights, a

person-centred approach, and demands defensible, evidence-based, informed decision making from practitioners. This will help to promote and safeguard adults with a mental disorder, who lack capacity to consent to their accommodation in hospitals and care homes, and who are deprived of their liberty. This is to ensure that their detention is compliant with the requirements of human rights legislation.

Due to the announcement in April 2023 that the LPS will be delayed beyond the lifetime of this parliament, it is now expected that the DoLS process will remain in place for the foreseeable future. This means that BIAs will continue to be in high demand to help tackle the hundreds of thousands of DoLS applications received each year.

## Key Learning Points

By the end of the course delegates will be able to:

- Examine up to date case law in relation to mental capacity and deprivation of liberty.
- Explore both form and substance of evidence required from the BIA on the Form 3 assessments.
- Consider the importance of the role of the RPR to include relevant case law.
- Explore and consider up to date policy and research.

By the end of the course delegates will be able to:

### Knowledge & Understanding

1. Demonstrate a comprehensive knowledge and critical understanding of the concepts of capacity and risk, provisions of the Mental Capacity Act 2005 (MCA) and Deprivation of Liberty Safeguards (DoLS) and their codes of practice and the wider legal framework and relevant case law.
2. Demonstrate a critical understanding of the importance of providing record-keeping and reporting that clearly justifies reasoned decisions made in accordance with legal requirements and good practice.
3. Demonstrate a critical understanding of the importance of a clear, sensitive approach in communication skills with the relevant key consultees, carers and advocates, as well as the service user within the process.

### Cognitive & Intellectual Skills

1. Integrate and synthesise knowledge of the MCA, DoLS, and the surrounding legal framework, into complex practical situations faced in daily practice.
2. Synthesise information to make professional and independent judgements in complex situations in their role.
3. Collate, analyse, and evaluate complex evidence and different views to make informed, ethical decisions.

### Practical & Professional Skills

1. Demonstrate a critically reasoned application of the process, procedures and documentation of the DoLS and its code of practice, including an ongoing commitment to anti-discriminatory and anti-oppressive practice.
2. Critically appraise and manage their own values in relation to the value base of their profession and the sensitive nature of the subject.
3. Demonstrate an advanced ability to operationalise the principles and practice of risk analysis and risk assessment.
4. Demonstrate the ability to make professional, and independent judgement and decisions determining Deprivation of Liberty, Best Interests and duration of an authorisation.



## BIA Legal Update (1 day)

### Course Overview

If a supervisory body wishes to carry out a best interest assessment they must be satisfied that the Best Interest Assessor (BIA) has, in the 12 months prior to selection, completed further training relevant to their role as a BIA and has the skills necessary to obtain, evaluate and analyse complex evidence and differing views and weigh them appropriately in decision making.

This course is aimed at BIAs operating under the Mental Capacity Act 2005 Deprivation of Liberty Safeguards, providing them with a legal update/refresher.

### Key Learning Points

By the end of the course delegates will be able to:

- Examine up-to-date case law in relation to mental capacity and deprivation of liberty.
- Explore both form and substance of evidence required from the BIA on the Form 3 assessments.
- Consider the importance of the role of the RPR to include relevant case law.
- Explore and consider up-to-date policy and research.

## BIA Statutory Legal Update (6 hours online)

### Course Overview:

The BIA Legal Update training package consists of six modules and includes videos and activities to carry out. The training has been designed to reinforce learning by helping you consider how you will apply what you have learnt to your work.

The course will help you continue to develop the skills necessary to obtain, evaluate and analyse complex evidence and differing views. You will learn how to weigh them appropriately in decision making. The course will help you meet your statutory duties and allow you to continue to practice as a BIA.

### Accompanying Materials

- The course is accompanied by an exercise workbook including useful links.
- On completion of all six modules, the exercises, and the feedback form, you will be able to download your certificate of completion.

### The Modules Cover:

- The role of the BIA in the current legal landscape.
- Has the definition of what is a deprivation of liberty changed?
- The six Department of Health and Social Care fact sheets.
- The Form 3 - does form and substance matter?
- The interface between public law and best interest - recent case law.



# Deprivation of Liberty Authorised Signatory Training (1 day)

## Course Overview

The Mental Capacity Act 2005 (as amended) created legal duties for the Local Authority in their role as a Supervisory Body. The functions of the Supervisory Body include oversight and management of the DoL Safeguards, as well as appointing authorising signatories. Although the role is not defined within Schedule A1, it is a significant role which requires the signatory to have knowledge of substantive and procedural law. The role has been the subject of scrutiny in case law.

This course aims to equip those who are, or who are to be appointed into the role of authorising signatory, with the knowledge and skills necessary to undertake the role effectively, and sign off the authorisation to best practice standards.

It is expected that the delegates of this course will have an in-depth knowledge of and commitment to human rights and The Mental Capacity Act 2005 - to include an overview of the DoL Safeguards substantive and procedural law.

## Key Learning Points

- Apply knowledge of human rights, mental capacity and deprivation of liberty into the role of the authorising signatory.
- Identify the duties of the Managing Authority and Supervisory Body.
- Examine the roles of the Best Interest Assessor and the Mental Health Assessor.
- Identify the responsibilities and limitations of the signatory role laid down in the Mental Capacity Act 2005, Schedule A1.
- Consider the importance of scrutiny in form and substance of the six assessments provided by the assessors to ensure they meet the qualifying requirements.
- Explore the use and variation of conditions and duration.
- Identify the key legal requirements for selection and appointment of the relevant person's representative to include consideration of up-to-date case law.
- Examine when it would be appropriate to consider an appeal to the Court of Protection under s21A.

# Liberty Protection Safeguards (LPS) Workshop for Leaders Leaders (1 day)

## Course Overview

The Government's 5th April announcement that LPS will be "delayed beyond the life of this parliament" has left many wondering what that means and how this will impact on their organisation in the short to mid-term.

This course will help you and your organisation reflect on what has been learned from the attempts to implement the Liberty Protection Safeguards, and consider how those lessons can be used to effectively and lawfully continue to implement the DoLS system; whilst also preparing for the potential implementation of LPS at some point in the future.

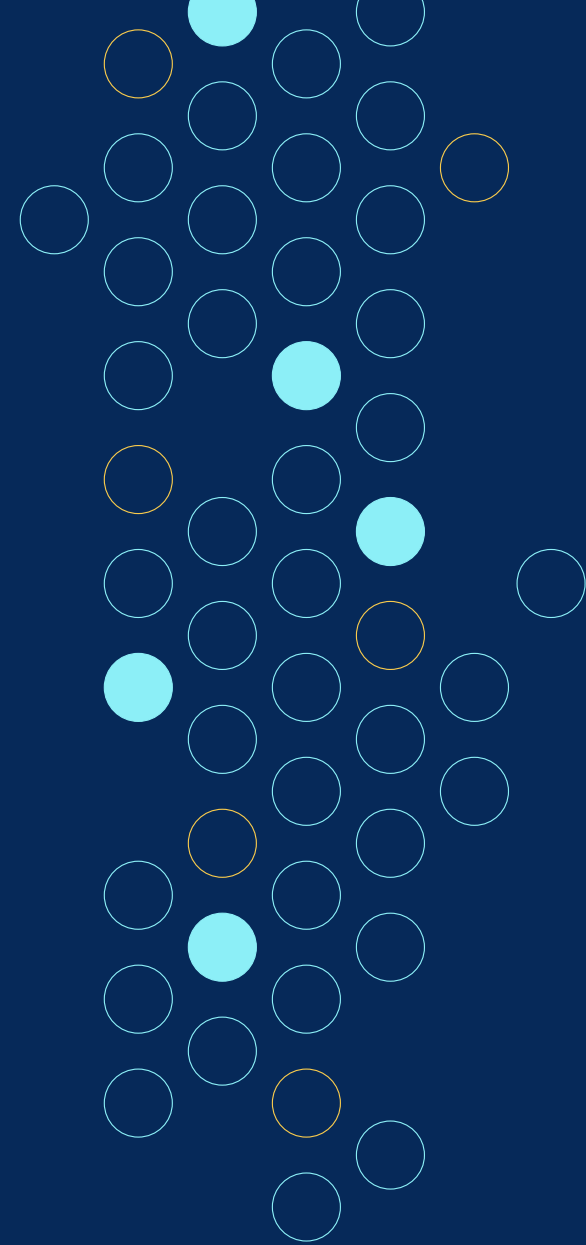
## Key Learning Points

By the end of the course delegates will be able to:

- Consider the MCA/ DoLS legal landscape as it looks after the 5th April 2023 announcement.
- Consider the place all relevant organisations now have within that landscape.
- Identify what is in place which can be used to improve the DoLS system.
- Discuss plans for the short to mid-term future.
- Discuss what may happen "beyond the life of this parliament".
- Identify what training will be needed, and for whom, to address the DoLS authorisation backlog.
- Identify how this training can be delivered within your organisation.



# NHS CHC and Continuing Care



# Children and Young People's Continuing Care (1 day)

## Course Overview

This interactive, one-day course, enables delegates to explore the relevant legal framework, evidence and procedure surrounding the National Framework decision. They gain the specialist knowledge needed through applying that learning to a case study. Following this, attendees have the confidence to take their knowledge outside of the classroom and achieve the correct outcome for those with continuing care needs.

The training will identify the different roles and responsibilities of partners, providers and other agencies and professionals involved in the multi-agency decision-making process. Delegates will explore the value of working in partnership to improve outcomes for children to ensure that the best package of care is identified and provided.

Many children, young people and their families struggle during the transition from Children and Young People's Continuing Care to NHS Continuing Healthcare for adults. This training will identify the important differences between the services and the impact this can have upon a child with complex needs transitioning into adulthood.

## Key Learning Points

- Understanding the relevant legislation, case law and process to identify a continuing care 'need' on behalf of a child or young person.
- Appraisal of Children and Young People's Continuing Care national framework and the Decision Making Tool.
- Understand how these are used to assist partners, providers and agencies working with children and young people to assess their complex needs.
- Identify the relevant legal framework surrounding the procedure & assessment process for a child's healthcare needs – over and above universal health provision, social care provision and/or educational provision.
- Clarify the scope of a local authority's duties to provide health care to a child or young person with complex needs pursuant to Section 17 Children Act 1989, following the case law guidance in 'Haringey'.
- Identify and collect all relevant, current, factual evidence to support an application by appropriate planning & front loading.
- Clarify the scoring domains within the 'Decision Support Toolkit' to assist the health assessor to arrive at the correct holistic assessment of a child's complex healthcare needs and deliver the best continuing care package.
- Ascertain the role of the child and/or young person, their families & all agencies within the assessment process, the recommendation and implementation of a continuing care package.
- Explain the dispute resolution and appeals process.

# NHS CHC Essential Tool Kit (1 day)

The aim of this course is to provide an overview of the law underpinning Continuing Healthcare and the process end to end. The duties of the LA will be explored to enable professionals to correctly work within the legal framework and carry out their role effectively and to best practice standards.

The course will be delivered in line with the Health and Care Act 2022 and the new NHS CHC National Framework 2022.

## Key Learning Outcomes

By the end of the course delegates will be able to:

- Describe what NHS Continuing Healthcare is.
- Explain the ICB and LA duties in relation to NHS CHC.
- Identify how to refer a person for assessment for NHS CHC.
- Explain the "primary health need" eligibility concept.
- Recognise the importance of evidence in the NHS CHC process to support clear reasoned evidence-based decisions.
- Outline the key principles of assessment and decision making during the MDT meeting.
- Consider the Government support tools used during the process of assessment to include Checklist Tool, Decision Support Tool and Fast-track Tool.
- Recognise the importance of the Mental Capacity Act 2005 around capacity and consent, focusing on placing the individual and/or family/representative at the centre of the process.
- Explain the process of reviews, appeals and dispute resolution.





## Advanced NHS CHC (1 day)

NHS Continuing Healthcare is a very complex area of work and one which all professionals working in health and social care need to understand. The aim of this course is to provide delegates who have some knowledge of NHS Continuing Healthcare with a detailed overview of the law underpinning CHC and the process end-to-end. The duties of the ICB will be explored along with the role of the LA to enable professionals to avoid pitfalls in the decision-making process enabling them to carry out their role effectively and to best practice standards.

Delegates will consider the screening and assessment process, as well as the process of reviews and appeals of continuing care decisions.

### Key Learning Outcomes

By the end of the course delegates will be able to:

- Identify individuals who may have a “primary health need” and understand the importance of engaging the individual and their representatives in the CHC process.
- Describe the concept of “primary health need” and apply the concept to case examples to understand when the quality and quantity of care is beyond the scope of the LA’s limits to provide.
- Understand the ICB’s duties and responsibilities to co-ordinate the process from completion of checklist to decision on funding and finalisation of care plan.
- Understand and apply the key principles of assessment and decision-making to practice examples in CHC cases.
- Examine the Decision Support Tool with a detailed look at the domains with practical examples.
- Examine the importance of creating and collating evidence which will contribute to clear, reasoned evidence-based decisions.
- Explain the role the ICB has in care planning and case management.
- Identify when and how joint funding may be appropriate where CHC eligibility is not established.
- Identify and correctly challenge CHC decisions by initiating and progressing dispute resolution between agencies.

## NHS CHC for Managers (1 day)

### Course Overview

This course provides a one-day, in-depth exploration of the duties and responsibilities under the new NHS CHC National Framework 2002. Designed for senior staff and managers, it reflects legislative changes to incorporate the Health and Care Act 2022.

NHS Continuing Healthcare is fundamentally a ‘whole system’ issue, requiring leadership across and within statutory agencies, to ensure that the needs of individuals who might have a primary health need are properly assessed and addressed. These individuals are, by definition, some of the most vulnerable in our society and it is vital that systems deliver a person-centred approach to the wide variety of situations that NHS Continuing Healthcare encompasses. Strong system leadership is, therefore, critical to the successful implementation of this National Framework.

The course aims to ensure that senior staff and managers have a detailed understanding of NHS Continuing Healthcare to enable them to guide and challenge frontline staff on how to apply the framework lawfully and ethically to establish whether a person has a legal right to NHS Continuing Healthcare due to having a “primary health need”. The course will also explore how to promote a person-centred, rights driven approach which demands defensible, evidence-based decision-making from practitioners.

### Key learning outcomes

By the end of the course delegates will be able to:

- Provide greater clarity to front line staff on how to interpret the Framework to ensure lawful, ethical, defensible eligibility decisions.
- Explore and explain the duties and responsibilities of the LA under the Care Act 2014 to include the specific requirements around the duties to co-operate, provide advice and assistance and work in partnership with the ICB.
- Explain the duties and responsibilities of the new Integrated Care Boards under the Health and Care Act 2022 in respect of NHS CHC.
- Integrate this policy with the new “Discharge to Assess” model taking account of the changes to The Care Act 2014 Section 74, Schedule 3 Discharge of Hospital patients with care and support needs.
- Align the NHS CHC process with consent and principles of MCA to include best interest decision making.
- Explain to staff how to resolve inter-agency disputes.



# Capacity Assessments and Checklists - CHC and MCA (2 days)

The aim of this course is to provide delegates who have some knowledge of NHS Continuing Healthcare with a detailed overview of the law underpinning CHC and the process end-to-end. The course covers the importance of a person centred approach, consent, capacity and best interest decision making. The duties of the ICB will be explored along with the role of the LA enabling professionals to avoid the pitfalls in the decision-making process to ensure they carry out their role effectively and to best practice standards.

Delegates will consider the screening and assessment process, as well as the process of reviews and appeals of continuing care decisions.

The course will be delivered in line with the Health and Care Act 2022 and the new NHS CHC National Framework 2022.

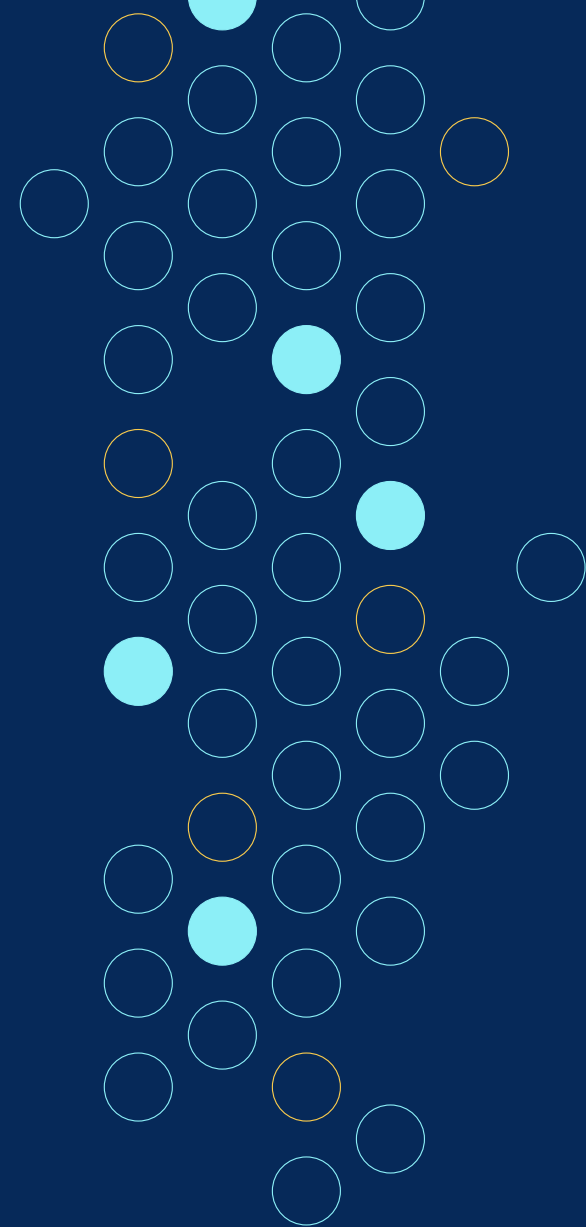
## Key learning outcomes

By the end of the course delegates will be able to:

- Identify individuals who may have a “primary health need” and understand the importance of engaging the individual and their representatives in the CHC process.
- Describe the concept of “primary health need” and apply the concept to case examples to understand when the quality and quantity of care is beyond the scope of the LA's limits to provide.
- Understand the ICB's duties and responsibilities to co-ordinate the process from completion of checklist to decision on funding and finalisation of care plan.
- Understand and apply the key principles of assessment and decision-making to practice examples in CHC cases.
- Integrate the importance of a person centred approach, consent, capacity and best interest decision making into the assessment process for NHS CHC.
- Examine the importance of the role of advocacy and recognise the powers and duties of the LPA and Deputy for Health and Welfare in the NHS CHC process.
- Examine the Decision Support Tool with a detailed look at the domains with practical examples.
- Examine the importance of creating and collating evidence which will contribute to clear reasoned evidence based decisions.



# Mental Health Act



# An Introduction to the Mental Health Act 1983 (1 day)

The Mental Health Act 1983, as amended by the Mental Health Act 2007, tells us how to define a mental disorder and what the assessment and treatment rights of people with mental disorders are. Together with its Code of Practice, it provides the legal framework which balances the rights and interests of the individual with the protection of both the health and safety of that individual and the safety of the wider public.

## Course Overview

Working, at any level, with patients who are either detained or are eligible to be detained under the Mental Health Act, demands a knowledge of the key of the Act. Providing care and treatment in a consistent, lawful way which fully respects the rights of those who are detained, is a non-negotiable, minimum, expected standard.

This course explains everything those who are new to working with psychiatric patients needs to know and through group discussion and case studies, explores the complex legal principles behind such detentions in a straightforward way.

## Key Learning Points

By the end of the course delegates will be able to:

- Discuss the meaning of “mental disorder”, as defined by Section 1 Mental Health Act 1983.
- Identify the roles and functions of the professionals named by the Act.
- Review the various pathways for admission into and compulsory detention at psychiatric hospital.
- Explore the legal meaning of “appropriate to receive medical treatment” and “appropriate treatment” within the context of the Mental Health Act 1983.
- Explain the circumstances under which a patient must consent to treatment if it is to be administered and those in which treatment can be administered by force, together with the legal safeguards which ensure that such administration is balanced with the needs of the patient.
- Outline how the Mental Capacity Act 2005 interacts with the Mental Health Act 1983.

# AMHP Legal Update (1 day)

This course will look at all the key legal developments in the field of mental health within the last year. It will include a round-up of all the key cases heard and the guidance issued. This course will take a look at the challenges that are likely to happen.

Delegates will have the opportunity to meet other AMHPs while achieving a third of their yearly CPD requirement.

## Course Overview

There has been significant case law guidance in both how Mental Health Act assessments should be carried out, and on pre-hearing examinations by Tribunal Doctors. Additional technical changes include Mental Health Tribunal attendees having to use the Cloud Video Platform (CVP) process.

There will be a discussion of the ramifications of the April 2023 announcement about the Liberty Protection Safeguards and the effect on the care and treatment for psychiatric patients who lack the capacity to consent to physical health treatment.

This course will look at the white paper on the reform of the Mental Health Act itself and the impact the reform proposals will, if implemented, have on the way we all work.

## Key Learning Points

By the end of the course delegates will be able to:

- Review developments in case law over the last year.
- Stay up to date with the latest information regarding the Liberty Protection Safeguards (introduced to the Mental Capacity Act 2005 by the Mental Capacity (Amendment) Act 2019).
- Clarify the position of LPS in relation to the Mental Health Act.
- Illustrate the interaction between S117 aftercare and CHC funding.
- Discuss NHS England's guidance on blanket policies for psychiatric wards.



# Record Keeping for Mental Health Tribunals (1 day)

## Course Overview

This interactive course will give you an understanding of how, when and why to write timely and accurate care records, as well as how they can be used to defend your recollection under cross-examination in a courtroom environment. Throughout the day, with the assistance of a thought-provoking video case study, we will consider who might read what you have written, what should be recorded in care records, what should not be recorded in them and the importance of focusing on not just what was said, but also on what the service user is not saying, as well as their overall presentation.

Towards the end of the day, we will turn to consider what “good” looks like from your perspective and within your role. You will be assisted to formulate a note keeping template which will help you capture all of the relevant information imparted by your service users.

## Key Learning Points

By the end of the course delegates will be able to:

- Describe what a timely care record is.
- Describe what an accurate care record is.
- Explain why timely care records should be kept.
- Explain how timely care records should be kept.
- Practice contemporaneous record keeping.
- Use a contemporaneous record to create a report.
- Defend your recollection by using a report and contemporaneous record under cross-examination.

# Report Writing for Mental Health Tribunals (1 day)

As part of regular clinical practice, psychiatric healthcare professionals will be required to produce statements and/or reports, which may be used in Mental Health Tribunals and Hospital Managers' Meetings, as well as for internal audits, responding to complaints and regulatory proceedings.

Often they are written in a format that makes them difficult to read or understand and they fail to provide accurate information, leaving the writer open to scrutiny, undermining the quality of the clinical evidence provided and possibly leaving the hospital open to claims for unlawful imprisonment and other forms of malpractice.

## Course Overview

This practical course will teach delegates how to turn clinical notes into effective statements and reports. Through practical exercises, delegates will review the structure of statements and reports including style and format, while also gaining the ability to identify the relevant information that needs to be included. They will learn how to distinguish between fact, inference and opinion, and explore common pitfalls and mistakes made by healthcare professionals, and importantly how to avoid them.

## Key Learning Points

- Identify the issues to be addressed.
- Distinguish between fact, inference, and opinion.
- Ensure any opinion is based on fact.
- Use records, notes and other relevant material as the basis for statements and/or reports.
- Adopt appropriate format, layout and style consistent with the Senior President of Tribunals' Practice Direction.
- Develop an objective and critical approach to written evidence.



## Giving Evidence in Mental Health Tribunals (1 day)

Giving evidence in contested Mental Health Tribunals and Hospital Managers' Meetings can be a daunting experience. Many psychiatric healthcare professionals can find themselves and their evidence being subjected to enormous scrutiny, by members of the panel and the patient's solicitor.

### Course Overview

This highly practical training session is designed to ensure that psychiatric healthcare professionals undergo a process of familiarisation – to equip them with the necessary skills to give a confident account under questioning or cross-examination.

The day is split into two halves. The morning looks at the theory of giving evidence and is designed to demystify the whole process. Attendees explore the various techniques lawyers use to discredit healthcare professionals in cross-examination, learning how to withstand them and remain in control.

In the afternoon, we set up a mock Mental Health Tribunal in which delegates will be cross-examined by an experienced lawyer-trainer, to consolidate the day's learning.

### Key Learning Points

By the end of the course delegates will be able to:

- Understand the inquisitorial process employed by Mental Health Tribunals and Hospital Managers' Meetings and the legal tests which they must employ in every case.
- Identify the procedures, order of events, and roles and responsibilities of those involved.
- Prepare how to give evidence to best practice standards.
- Demonstrate how to make appropriate use of supporting evidence, documents and records while under cross-examination.

## Part 4 & 4A of the Mental Health Act 1983 (1 day)

The Mental Health Act 1983 is the key piece of legislation governing the detention and treatment of psychiatric patients. Part 4 of the act sets out the circumstances as to what treatment can be given to which patient and when. Part 4A performs a similar role with regard to patients being treated in the community.

Getting this right in every case is crucial. Any failures in regards to the legislation can result in complaints being made against the individual members of any clinical or community team, civil action being taken against their employer or, in the worst cases, criminal prosecution.

### Course Overview

The key to getting it right every time can be found in Chapters 23 to 26 of the Code of Practice of the Mental Health Act. This one-day course will carry out a detailed examination as to what is meant by appropriate medical treatment, which treatments are subject to special rules and procedures and how to carry out safe and therapeutic responses to behavioural disturbances.

### Key Learning Outcomes

By the end of the course delegates will be able to:

- Identify which treatment requires patient consent and/or a second opinion.
- Define "urgent treatment" and the legal framework under which it can be administered.
- Detail which treatment does not require consent and the time limit with which such treatment can be given.



## Eating Disorders and the Mental Health Act 1983 (1 day)

Many patients with eating disorders report that their encounters with the Mental Health Act 1983 have been largely negative experiences. They and their families feel disempowered and shut out of decisions surrounding their treatment, which can then be forcibly administered if they object to it.

Patients who go on to recover often ascribe that recovery to some positive interaction with the Act, where a professional or MDT places them at the heart of their own care and help them rediscover who they are.

### Course Overview

This one-day course draws on a combination of legal principles, guidance and practical experience, as it follows the journey of a young person with anorexia nervosa through the psychiatric system. With a focus firmly on the law and legal theory surrounding each step of the admission and treatment process, delegates will further develop their own approach to their professional roles in assisting patients to recover and take responsibility for their own care and treatment.

### Key Learning Points

- Identify the core patient rights which must be considered at all times when supporting someone with an eating disorder.
- Describe what the duty to take “reasonable steps” to protect life means within the context of eating disorders.
- List the procedural safeguards which must be in place if someone is to be detained under the Mental Health Act 1983.
- Apply the principle of autonomy and respect for “unwise decisions” made by patients, identify when a deprivation of liberty is taking place and apply the proper legal test for capacity to consent to in-patient psychiatric treatment.
- Review the factors which must be considered both when assessing whether it is in the interests of a patient’s health or safety for them to be detained in hospital under section and whether detention in hospital is appropriate.
- Understand the circumstances under which treatment without consent can be administered to a detained psychiatric patient.

This course is aimed at AMHPs, Health Care Professionals and trainees working with psychiatric inpatients, psychiatrists and psychiatric nurses.

## Assessing Children and Young People under the Mental Health Act 1983 (1 day)

Mental health emergencies can be devastating and life-threatening and the long term effects of failing to provide effective mental health care in childhood is now well recognised. Deciding to apply to detain anyone under the Mental Health Act 1983 should never be easy but such applications are particularly difficult when it comes to healthcare professionals with regard to those under the age of 18.

### Course Overview

You will explore how to ensure that your aims of helping children and young people with mental health difficulties align with the key human rights principles of autonomy, control and participation. This course will use a series of case studies in which we follow a child through the process of a Mental Health Act assessment and explore the alternatives to compulsory admission under the Act.

### Key Learning Points

By the end of the course delegates will:

- Understand the careful tension between the Mental Health Act 1983, The Mental Capacity Act 2005 and the Children Act 1989.
- Assess the capacity of a young person to consent to inpatient admission to a psychiatric ward.
- List the guiding principles behind such an admission.
- Analyse how the child and young person’s voice should be at the heart of every decision in care and treatment.
- Appraise personal practice and develop a gold-standard understanding of the legal principles underpinning the detention, treatment and care of children and young people in a psychiatric setting.



# Hospital Managers' Panels - Their Role and Responsibilities (1 day)

It is the responsibility of the managers of every psychiatric hospital to ensure that the people appointed to their managers' panel receive suitable training to:

- Understand the law surrounding detention under the Mental Health Act.
- Work with patients and professionals.
- Be able to reach sound judgements and properly record their decisions.

Hospital Manager's Panels should understand equality issues and the needs of patients from minority cultural or ethnic backgrounds; patients with physical impairments and/or sensory impairments; and patients with learning disabilities or autistic spectrum disorders. Members must only be appointed for a fixed period of time. Reappointment should not be automatic and should always be preceded by a review of that person's continuing suitability to be a member of the panel.

## Course Overview

This interactive 1-day course offers panel members thorough training as to the sections of the Mental Health Act 1983 and parts of the Code of Practice to the Mental Health Act relevant to their role. We also consider the scope and impact of the Mental Capacity Act 2005 and the Deprivation of Liberty Safeguards on reviews of psychiatric detention.

In the afternoon, through a case study and a mock Hospital Managers' Meeting, we review recent relevant caselaw and reprise the lessons learnt from South Staffordshire and Shropshire Healthcare NHS Foundation Trust v Hospital Managers of St Georges' Hospital.

Hospital Managers are encouraged to attend the training as part of the suitability review process or, if preferred, delegates can be given a written test and, where appropriate, course completion certificates.

## Key Learning Points

By the end of the course delegate will:

- Reprise their role and responsibilities.
- Gain a full understanding of equality and diversity issues.
- Understand the importance of gaining insight into the needs of particular groups of vulnerable people.
- Be aware of the law and evidential considerations which should be applied in all of their decisions.
- Understand the difficulties involved in the decisions to withhold reports from patients.
- Appreciate why and how to draft legally correct, written decisions.
- Obtain an update on all recent relevant case law.

# Community Treatment Orders (1 day)

Community Treatment Orders allow some patients to live in the community whilst remaining subject to certain parts of the Mental Health Act 1983. Correctly identifying which patients should (and should not) be made the subject of CTO is key to maintaining their fundamental Human Rights, meeting the hospital and community teams' legal obligations and maintaining bed availability.

## Course Overview

CTOs are highly controversial as they grant a patient freedom from detention in hospital at the expense of other liberties, such as deciding where to live or whether to take medication. It is vitally important that the correct balance is struck between the freedom of the individual and the protection of that individual and the public at large from the effects of the more debilitating aspects of mental illness.

This one-day course clarifies the powers available to clinical and community teams and helps identify which patients would and would not benefit from a CTO.

## Key Learning Outcomes

- Understand why it is vitally important to get the wording of CTOs right prior to discharge.
- Appreciate the impact The Welsh Ministers v PJ has had on the formulation of CTO conditions.
- Understand the interaction between CTOs and The Mental Capacity Act.
- Know which issues to consider and which procedures to follow when considering revoking a CTO.





## The Interface between S117 Aftercare and Continuing Healthcare (1 day)

Working out who pays for what care when a person with a mental disorder is discharged from a hospital section, is a difficult process. When that person also has an enduring physical health problem, for which they require nursing or other medical care in a community setting, obtaining appropriate funding to manage that person's needs becomes even more complex. Assessments are required to determine whether the person's primary needs relate to their physical health, mental health or need for social care.

The ramifications for getting such assessments wrong, or conducting them incorrectly, are significant for everyone involved.

### Course Overview

During this one-day course you will consider the relevant statutes, case law and up-to-date guidance which will enable them to understand how decisions are made about section 117 needs, CHC eligibility and to avoid the significant pitfalls in the decision-making process.

### Key Learning Points

By the end of the course delegates will:

- Understand the relevant legislation, guidance, case law and procedures surrounding S117 aftercare and CHC funding.
- Understand the framework of S117 aftercare funding and CHC funding following psychiatric hospital discharge.
- Recognise the importance of written and other evidence in the screening, assessment, review and appeal process.
- Identify and consider the potential pitfalls in the decision-making process.
- Understand the screening and assessment process.
- Understand the purpose of the review panel and the appeals process.

## The Interface between the Mental Health Act 1983 and the Mental Capacity Act 2005 (1 day)

All healthcare professionals working with patients being treated under the Mental Health Act (MHA) 1983 should also understand the provisions of the Mental Capacity Act (MCA) 2005.

The MCA is an incredibly important piece of legislation which, provided the correct tests and procedures are followed, allows others to make decisions on behalf of those who lack the capacity to do so. Unfortunately, all too frequently, due to professionals failing to understand where the provisions of the MHA end and those of the MCA begin, vital decisions affecting patient care and treatment are either not made, made incorrectly or are made without regard to proper procedure.

### Course Overview

This highly practical 1-day course explores the concept of capacity, mental capacity assessments and best interests decisions. It then moves on to consider how and when the MCA should be used for patients who are detained under section in psychiatric hospital or being treated under a CTO in the community.

Delegates will also be introduced to the Deprivation of Liberty Safeguards and we will discuss how and when an Independent Mental Capacity Advocate should be involved on the patient's behalf.

### Key Learning Points


By the end of the course delegates will:

- Be able to apply the key principles of the both the MHA and MCA to clinical practice.
- Have the skills to make and document a mental capacity assessment.
- Be able to reach balanced and informed best interests decisions.
- Know when and how to involve an IMCA.
- Learn the skills to navigate complex healthcare issues with patients who have mental health disorders, physical health problems and who lack the necessary capacity to make decisions as to their care and treatment for both.
- Understand recent case law developments which touch upon patients who lack the capacity to make key decisions in psychiatric settings.



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