



Mental Capacity Policy

Policy on Working with Members Who Might Lack Mental Capacity

Principles

1. ARTS 4 WELLBEING complies with the principles of the Mental Capacity Act by primarily treating all the members who use our services and prospective members on the basis that they can take their own decisions.
2. There might be some occasions when staff during their care become involved or find it necessary to enter some decision-making process on behalf of someone who cannot take a decision at the time it needs to be taken. In respect of the involvement of our service this is most likely to be related to a care and support matter.
3. ARTS 4 WELLBEING will take decisions on behalf of a learner only if there is evidence that they cannot take the decision (at the time the decision needs to be made) because of mental incapacity. ARTS 4 WELLBEING will co-operate with relatives and others involved with the learner in decision making on behalf of a person on the same basis.
4. We will not take or collude in taking decisions for a learner where there is insufficient evidence and it does not appear to be in the learner's best interests.
5. ARTS 4 WELLBEING will only take a decision for a learner after it has exhausted every means of enabling the learner to take it of their own accord. It will also show its actions in taking the decision and reasonable and in the persons best interests.

Where ARTS 4 WELLBEING has information that suggests the person might be unable to take some decisions at sometimes it will contribute to an assessment of that person's mental capacity. We recognise that the assessment procedure should follow the two-step process recommended in the Mental Capacity Act's code of practice.

6. ARTS 4 WELLBEING ensures that it complies with all aspects of law in the cases of members who are subject to guardian proceedings or who will need legal protection because their lack of mental capacity. It includes here members, who have assigned powers of attorney or are subject to Court of Protection proceedings.

Assessment of Mental Capacity

1. ARTS 4 WELLBEING ensures that a person's needs assessment risk management plan and plan of care contain all the information needed related to a person's decision taking capacity and the decisions over which they might need help on account of their possible lack of capacity.
2. The information included indicates
 - a) Which decisions the person can take at all/most times
 - b) Those that the person has difficulty in taking and
 - c) Those that the person is unable to take.
3. In respect of each area of decision taking where there are difficulties or an inability to take decisions, the learner plan of care records the actions to be taken for the person that are deemed in their best interests.
4. The individual is always as fully involved as possible. Decisions are only taken based on the best information available and the agreement of those concerned in the person's care and future. All decisions taken for that person are fully recorded and made subject to regular review.
5. Members who lack mental capacity as any others, are only subject to any form of physical intervention when by not doing so would result in injury or harm to themselves or others. All incidents where Physical Intervention has been used are required to follow ARTS 4 WELLBEING procedures for reporting and recording.

Staff Involvement

1. ARTS 4 WELLBEING expects its Support staff to implement the agreements and decisions that are identified on an individual's plan of care and risk management plan.
2. ARTS 4 WELLBEING also expects its staff to involve members in all day-to-day decisions that need to be taken by seeking their consent and checking that the actions to be taken are consistent with their plan of care if the individual learner lacks capacity at the time. Where the learner needs to take a decision that lies outside of their ability at the time, staff must do everything to help the person decide for her or himself.
3. ARTS 4 WELLBEING expects its staff to avoid taking decisions on behalf of a learner, unless they can show that it is necessary, and the learner at the time is unable to take that decision for her or himself. Any such incident must be fully recorded.
4. ARTS 4 WELLBEING expects its staff to take decisions for members lacking capacity only because they have reasonable beliefs, that they are necessary and they are in the person's best interests. When in doubt that they can proceed in this way they must seek advice from their line manager.

Training

We ensure our staff are always aware of the importance of choice for our members, and we will aim to include this principle throughout all of our operations. We will ensure that every learner who receives our service has positively opted to use our service. We aim to provide members with the chance to exercise choice about the support workers with whom they interact and will change the worker in instances when the learner requests it. We are particularly sensitive to matching workers and members where issues of gender, culture or ethnicity play a role.

Review of this Policy

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This policy will be reviewed by every year and as required.