

Care Services Improvement Partnership 

West Midlands
Development Centre

The Mental Capacity Act 2005

Implementation Plan for the West Midlands Region

July 2006 – March 2007

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1 Purpose of this Document

1.1 This document sets out the regional implementation plan for the West Midlands, including education, training and raising awareness of the Mental Capacity Act 2005 (MCA).

It correlates with the National Mental Capacity Implementation Programme, providing a regional plan for the national objectives. The plan identifies progress as of July 2006 and details key actions and timescales to April 07.

2. Introduction

2.1 The Dept of Health (DH) and the Dept of Constitutional Affairs (DCA) are working jointly to implement the Mental Capacity Act in April 2007 via the Mental Capacity Implementation Programme (MCIP)

The DCA has the responsibility for delivering the new Court of Protection and Office of the Public Guardian, and the DH is contributing towards the implementation in those areas.

The DH has the lead responsibility for policy and implementation of specific aspects of the Mental Capacity Act 2005. These include:

- The independent Mental Capacity Advocate (IMCA) service – a new service to support the most vulnerable people who lack capacity in particularly serious decisions about care moves and treatment.
- Research involving people who lack capacity.
- Interface with Mental Health legislation.
- Supporting the provision of training and raising awareness of MCA for health and social care staff and supporting the provision of any additional guidance needed for particular providers e.g. NHS or care homes.

3. Approach

3.1. It is estimated that training and awareness of the Act will have to be available for up to 3 million health and social care practitioners across England and Wales.

3.2 Within West Midlands, the CSIP Regional MCA Implementation Lead will engage with a diverse range of key stakeholders, statutory and non statutory, to ensure the region is prepared for the implementation of the Act in April 2007.

3.3 Implementation within the region will be supported by a number of central provisions detailed in the national implementation plan. These include:

- Code of Practice
- Training budgets allocated to Councils with Social Services Responsibilities (CSSRs)
- Awareness raising materials including website, newsletters, presentations, leaflets

- Best practice self assessment tool to enable organisations to test readiness for the Act
- Training materials provided in a range of formats, to support local training delivery

4. Role of the Regional Implementation Leads

4.1 The key objective of the MCA regional implementation lead is to support the implementation of the Act across the region.

4.2 The, West Midlands MCA lead will report to the DH project manager via a monthly highlight report, with accountability remaining through current line management within CSIP West Midlands RDC

4.3 The six primary tasks that the CSIP MCA leads have are

- To support commissioners and advocacy organisations to bring the Independent Mental Capacity Advocacy (IMCA) service into place from April 2007
- To coordinate the flow of information and publicity about the Act’s implementation
- To support the training and education of health and social care staff
- To chair regional meetings of the chairs of local implementation networks to share information and coordinate the regional implementation of the Act
- To sign off, along with Adult Directors of Social Services and Social Services Directors of Finance, local multi agency implementation plans, to confirm allocation of centrally provided training funds.

4.4 A key vehicle for implementation within localities and organisations is the Local Implementation Network. Establishing the networks are fundamental to the regional implementation leads role.

5. West Midlands Regional Context

Implementation must take account of the following organisations:

Table 1

| KEY ORGANISATIONS IN WEST MIDLANDS | | | |
|---|-------------------------------|--|--|
| Statutory Organisations | | | |
| SHA -1 | NHS Acute Trusts | Primary Care Trusts – | |
| CSSR’s – 14 | Mental Health Trusts - | NHS Ambulance trust - | |
| Healthcare Commission – | | Commission for Social Care Inspection - | |
| Criminal Justice Organisations | | | |
| Probation areas - 7 | Police Authorities -1 | Prisons – 14 | |

| Health and Social Care Providers | | | |
|---|----------------------------------|--|--|
| Care Homes & Housing Organisations | Domiciliary Care Agencies | Independent Healthcare registered providers | |
| Voluntary Sector | | | |
| Mental Health services | Learning Disability | Older Peoples Services | Physical health including head injury |
| User/carer organisations/groups | | BME communities | |
| Wider Community | | | |
| BME organisations | Legal services | Finance and banks | Local Government offices |

6. Critical Pathway

Delivery of the objectives will be met through the following critical pathway

Table 2

| Critical path | Planned End Date | Forecast End Date for West Midlands | RAG |
|--|------------------------------|--|------------|
| All local network leads in place | 28 Sept 06 | achieved | complete |
| All local networks have held an initial meeting | 25 October 06 | 27 Oct 06 | Green |
| Initial meeting of regional local implementation leads | 16 th August 06 | Achieved | Green |
| Advocacy commissioners meeting held | 1 st August 06 | achieved | Complete |
| Advocacy providers meeting held | 13 th Sept 06 | 30 th August 06 | Green |
| Regional plan signed off | 30 th Oct 06 | 30 th Oct 06 | Green |
| Initial awareness raising event held | 6 th September 06 | 6 th September 06 | Green |
| Regional communications plan signed off | Nov 06 | Dec 06 | Amber |
| Initial training the trainers event held | 7 th Nov 06 | 21 Nov 06 | Green |
| Survey of use of best practice tool completed | 25 th October 06 | 25 th October 06 | Green |
| Senior managers within statutory organisations aware of responsibilities | 24 th October 06 | Nov 06 | Amber |
| All local multi agency plans signed off 2006 / 07 | 12 Jan 07 | 12 Jan 07 | Green |
| All local multi agency plans signed off 2007 / 08 | 29 Jun 07 | 29 Jun 07 | Green |

| | | | |
|--|----------------------|----------------------|-------|
| IMCA service commissioned | Feb 07 | Feb 07 | Green |
| IMCA service operational | April 07 | April 07 | Green |
| Training for key staff within organisations | Jan 07 – March 07 | Jan 07 – March 07 | Green |
| Organisations completed actions arising from best practice assessment tool | April 07 | April 07 | Green |
| Overall projected number of key stakeholders within region who attend events / presentations = 600-800 | April 07 | April 07 | Green |

7. Communication & Information Strategy

The communications strategy will be applied throughout the critical pathway. The Communications & Information Strategy is detailed in **appendix 1**.

8. The Key Deliverables

8.1 Key deliverables can be grouped under the following areas:

- Establish and support Local Implementation Networks
- Commissioning IMCA Services
- Raising awareness across the Region
- Training

The project plan for these key deliverables is:

Table 3

| Key deliverable | Progress at Oct 30th | Planned developments | Target date |
|--|--|---|---|
| ESTABLISH & SUPPORT LOCAL IMPLEMENTATION NETWORKS | Local Authority L.I.N. lead established in all 14 areas. | Review completion of Best Practice Self Assessment tools | 25 th October at LIN leads meeting |
| | L.A L.I.N. Collaborations formed to give L.I.N.s across the region. One LA yet to engage with NHS and MH Trust seeking active involvement with LA. | Target LA yet to engage with NHS MH Trust and engage actively with regional group – seek presentation to Walsall LA senior managers | 8th Nov |

| | | | |
|--|--|---|------------------------------------|
| ESTABLISH & SUPPORT LOCAL IMPLEMENTATION NETWORKS | 13 out of 14 L.I.N.s have had initial meeting | Actively pursue Walsall LA lead and key stakeholders for a presentation meeting and elicit what issues are and support | 16 th Nov |
| | Regional meeting of L.I.N. leads set last Thursday of every month and meetings arranged upto March 07 | Engage service users and carers in L.I.N's via CSIP leads- All L.I.N.s have carer and service user representatives. Organise Service users and carer event in November. | 16 th Nov; Nov – Dec |
| | Developed materials to support L.I.N. and promote organisations engagement – TOR; work streams impact assessment | Survey of use of Best Practice Tool | 16 th September 06 |
| | Presented to stakeholder groups to promote engagement with L.I.N. – Carers support regional forum; L.A | Develop communications strategy to include RDC web page and bi-monthly newsletter | Nov 06 |
| | Best practice self assessment tool has been distributed across the region | Engage with key individuals within newly formed SHA to agree mechanisms to build LIN participation | Nov 06 |
| | | Engage with newly formed PCTs to promote engagement with L.I.N. Engage with the Regional Office to promote awareness | Nov - Dec 06 Dec 06 |
| | | Contacts identified within each of the Acute Trusts and linked with L.I.N lead/ part of the local implementation group and linked into information and communications systems | Oct - Dec 06 |
| | | Engage BME communities in LIN via 2 regional events – 80 per event. | Dec 06 |

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|--|---|---|------------------------------|
| | | Disseminate, develop & share good practice & resources across L.I.Ns, regionally and nationally | Ongoing |
| Key Deliverable | Progress at 30th Oct | Planned Development | Target Date |
| COMMISSIONING IMCA SERVICE | IMCA Commissioners initial meeting held 1 st of August, each LA represented | Monthly commissioners meetings September – Dec, review frequency thereafter | Monthly |
| | Commissioners network meetings booked for the 28 th of November | Consult on value of shared commissioners/provider s meeting with presentation from IMCA pilot - | 28 th November 06 |
| | Advocacy providers meeting 31 st October – 25 providers confirmed including 1 st BME advocacy provider for the region. | Develop communications strategy to include RDC web page and bi-monthly newsletter | Nov 06 |
| | Regional advocacy data base compiled | Collate progress of commissioning process, identify potential concerns and identify remedial action | 4 th Dec |
| Key Deliverable | Progress at 30th Oct | Planned Development | Target Date |
| RAISING AWARENESS ACROSS THE REGION | Email contact made with Chief Executives of every PCT, Acute Trust, MHTrust | Identify contact within each of the Acute Trusts and link with L.I.N lead. | End Oct 06 |
| | Presented MCA to CSIP leads to enable wider awareness raising via their work stream forums and networks September 4 th . Four key events- Commissioning, Advocacy providers, Regional Lunch targeting key stakeholders including Clinical Seminar on the 24 th of October | Engage with Police and financial institutions. | Nov - Dec 06 |
| | Presented to CSCI, Social Care Leads, Housing L.I.Ns, Care Home Providers, PCTs senior managers, Learning Disabled organisations, County Council senior managers, MH Trusts, Professional Forums. | Target Local Area yet to engage with L.I.N.s – presentation to Walsall Local Authority | Nov |

| | | | |
|--|---|---|--------------------------------------|
| RAISING AWARENESS ACROSS THE REGION | Meeting with Regional Training Managers forum presentation – 30 attendees; Hereford LIN, Telford LIN, Walsall PCT Senior managers and clinicians as well as legal officers. | MCA regional launch 160 stakeholders across all organisation groupings | July - September 06 |
| | Presented to regional Carers Support Workers Forum – 20 th of October - 60 attendees, | Raise awareness service users and carers via regional event and CSIP leads | Nov – Dec |
| | Presentation to Learning Disabilities Partnership Board regional meeting of leads, 29 th September 30 attendees | Raise awareness within BME communities via regional events – . | Dec 06 |
| | | Build regional work developed by Jeremy Patton Local Project lead Solihull MBC on ‘step by step’ flow chart of MCA – new policies and procedures | Jan 07 |
| | | Give local presentations/link into information systems – specialist groups including primary care services; voluntary & independent sector events; prison service | Jan – March 06 |
| Key Deliverable | Progress at 30th Oct | Planned Development | Target Date |
| TRAINING | Training data base compiled | Agenda training plans at each LIN leads meeting – use LIN steering group to identify need for additional ‘training the trainer’ events | Monthly from 25 th Oct 06 |
| | Produced & disseminated a paper to raise awareness– ‘The Mental Capacity Act - Implications for the Workforce’ including guidance for training plans | Build on data base of training leads across all organisations | Ongoing |
| | ‘Training the Trainer’ regional event for Nov – target group training commissioners & training providers - | Ensure all training leads have standard presentation available & access to relevant website/information sources to build and share good practice | 21 st Nov 06 |

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|--|---|--|--|-------------------------|
| | Plan training presentation for regional workforce leads | | Provide training leads with template to assist in training plans | Nov 06 |
| | | | Review progress on training plans with each training lead | 30 th Nov 06 |
| | | | Disseminate National Training resources | End Nov 06. |
| | | | Collate draft training plans | 8 th Dec 06 |
| | | | Sign off multi agency training plans 06/07 | 12 th Jan 07 |
| | | | Support training delivery across region, particularly voluntary and independent sector | Jan – March 07 |

Appendix 1

Communications & Information Strategy

The regional implementation lead for Mental Capacity Act has the task of raising awareness of the Act across the region, and assisting organisations to implement the changes required to comply with the Act.

Regional implementation will utilise the principles and strategies identified in the West Midlands RDC Communications and Information Strategy 2005-2006.

It is recognised that the most effective mode of communication is direct face to face communication with a 2 way interaction. However, given the wide range of stakeholders across the region, it is recognised that a number of communication modes must be utilised.

The following principles will be followed:

- Use face to face interaction to target key individuals in a position to change and influence
- Provide resources to support individuals and organisations to disseminate information more widely
- Draw on other communication strategies to raise awareness to a wider audience

In particular, the following modes of communication will be utilised and developed:

1. Regional Networks and Forums

Existing mechanisms

- MCA LIN regional network – meetings monthly
- IMCA Commissioners regional forum – meetings monthly
- Attendance at networks and forums associated with other RDC work programmes

- RDC development meetings to engage colleagues in dissemination across their networks.
- Established locality forums .eg. senior management meetings; LIT meetings; Board meetings

Mechanisms to Develop

- Build on existing mental health BME networks and service user networks to encompass other service groups, particularly within learning disability groups and older peoples service – *forecast date Dec 06*
- Identify key forums in the newly emerging PCTs and SHA –*forecast date Dec 06*

2. Mapping Exercises

Existing mechanisms

- The RDC Communications lead is responsible for mapping of services across the workstreams and compiling & updating distribution lists
- Mapping of services with particular relevance to MCA has begun with data established for LIN leads and associated Trust leads; LA commissioners for IMCA; advocacy services; training providers and commissioners

Mechanisms to develop

- Mapping of BME communities across service groups – forecast date Dec 06
- Mapping of service user organisations across service groups – *forecast date Dec 06*

3. Website

Existing mechanisms

- The national programme publicises a number of websites to support the MCA implementation. These include website through the Department of Health and Department of Constitutional Affairs.
- The Knowledge Community provides a shared space for the exchange of knowledge, information and experiences
- West Midlands RDC provides a website providing information relating to a number of programmes though not as yet the Mental Capacity Act

Mechanisms to develop

- RDC website page relating to the Mental Capacity Act that provides a hyperlink to a number of associated websites; opportunity to share resources/ideas/issues; provision of relevant and current information – *forecast date Nov 06*

1. Email

Existing mechanisms

- Email distribution lists collated for specific groups relating to MCA – LIN leads; L.A. commissioners; advocacy groups; training leads and training providers
- West Midlands RDC provides various distribution lists for groups and key organisations

Mechanisms to develop

- Expansion of distribution lists-*forecast date Dec 06*

2. Presentations & Events

Existing Mechanisms

- Events organised with specified aims and objectives and target audiences
- Further events anticipated as detailed in implementation plan
- Presentations developed by Dept of Health
- Presentations developed for a range of target audiences
- Presentation materials disseminated to LIN leads and training leads

Mechanisms to Develop

- Further develop range of presentations for range of target audiences – *forecast date Jan 07*
- Review requirement for additional events as per project plan – *forecast date Jan 07*

6. Newsletter, publications & resources

Existing mechanisms

- Monthly newsletter produced by central Government implementation team
- Department of Health information leaflets
- National implementation group produced training material for 4 environments.
- Best practice self assessment tool for organisation to test their readiness

Mechanisms to develop

- Bi- monthly regional MCA newsletter collating national and regional updates. *-forecast date Nov 06*