

CHAPTER 14: Mental capacity and adult safeguarding

Mental capacity

There are a number of useful books covering the law on mental capacity—though the Code of Practice is an excellent starting point. These include R. Jones, *Mental Capacity Act Manual* (3rd edn, Sweet & Maxwell, 2008) (targeted at lawyers) and R. Brown, P. Barber, and D. Martin, *The Mental Capacity Act 2005: A Guide for Practice (Post-Qualifying Social Work Practice)* 3rd edition (Learning Matters, 2015).

The Court of Protection has been the focus of media attention. One useful article by Amelia Hill in the *Guardian* was published on 6 November 2011: ‘The court of protection: defender of the vulnerable or shadowy and unjust?’ (www.theguardian.com/law/2011/nov/06/courtprotection-defender-vulnerable-unjust). On the same date the *Guardian* published an interview with the president of the Court of Protection, Sir Nicholas Wall: ‘Court of protection should be open to public scrutiny, says leading judge’ (www.guardian.co.uk/law/2011/nov/06/court-of-protection-public-scrutiny).

The Small Places blog contains useful discussions of these issues: thesmallplaces.blogspot.co.uk.

Adult safeguarding

A special issue of the British Journal of Social Work on Elder Abuse: Research, Theory and Practice published – Volume 48 Issue 4 June 2018 includes five excellent up-to-date research based articles on Elder abuse in England and Wales and beyond.

Professor Jill Manthorpe and Dr Stephen Martineau write about their research into Adult Safeguarding Reviews in ‘Engaging with the New System of Safeguarding Adults Reviews Concerning Care Homes for Older People’ published in the *British Journal of Social Work* Volume 47 Issue 1, published October 2017

Other law related articles around adult safeguarding include:

D. Galpin, ‘Policy and the protection of older people from abuse’ (2010) *Journal of Social Welfare and Family Law* 32(3): 247.

T. Spencer-Lane, ‘Reforming the legal framework for adult safeguarding: the Law Commission’s final recommendations on adult social care’ (2011) *Journal of Adult Protection* 13(5): 275.

These articles describe in useful detail the current state of the law and proposals for reform.

S. Hussein et al., ‘Accusations of misconduct among staff working with vulnerable adults in England’ (2009) *Journal of Social Welfare and Family Law* 31(1): 17. This article examines explanations and mitigation provided in response to accusations of misconduct amongst care staff.

J. Manthorpe, ‘Local responses to elder abuse: building effective prevention strategies’ in A. Wahidin and M. Cain (eds), *Ageing, Crime and Society* (Willan Publishing, 2006), 139–153. This chapter of an edited collection discusses local responses to the problems of elder abuse.

The *Journal of Adult Protection* provides regular articles and digests of information about practice and law in this area.