

Chapter 14: Mental capacity and adult safeguarding

This lecture looks at two different subjects; the Mental Capacity Act 2005 and adult safeguarding. It is heavily weighted in favour of the MCA, and if you wish you can confine the lecture to this subject. It is pretty demanding of students. For this edition we have extended the coverage of adult safeguarding to include domestic abuse and there are three final slides covering that issue.

Slide 3 gives a broad outline of the Act, its background, structure and purpose.

Slide 4 talks about the principles underpinning the Act. It was innovative at the time to have statutory principles at the beginning of legislation. It may be worth asking the students why they think it was done, and what the value of it is.

Slide 5 - 7 sets out in some detail the very important test of capacity.

Slide 8 talks about the lawfulness of acts taken in relation to a service user. It begins by explaining the general position – that you need consent to act on behalf of someone – before going on to the exceptions.

Slide 9 explains what acting in best interests means. You could include the youtube extracts referred to in the text to illustrate the slide.

Slide 10 talks about lasting powers of attorney. Get the students to talk about the benefits of this, and whether and when we should appoint one.

Slide 11 sets out the law on Advanced Directives. Again get the students to think about their value and when they should be used, and their advantages as compared with a lasting power of attorney.

Slide 12 sets out the role of Deputies

Slide 13 explains the importance of independent advocacy.

Slide 14 explains the circumstances in which restraint is lawful.

Slide 15 looks at the important role of the Code of Practice. You could bring some extracts up on the screen to demonstrate its usefulness.

Slides 16 – 18 look at some mechanisms to safeguard vulnerable adults including the range and problems of abuse and the role of Adult Safeguarding Boards.

Slide 19 sets out current legal protections relating to domestic abuse

Slide 20 sets out intentions of the Domestic Abuse Bill currently going through Parliament.

Slide 21 provides some discussion points about the role of law in protection people from abuse.