



Department of Health

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Dear Colleague,

Mental Capacity Act 2005 and the vital role of social workers

The Mental Capacity Act 2005 (the "MCA") was praised by the House of Lords following their recent inquiry as a "*visionary piece of legislation... with the potential to transform the lives of many*". However, even the best legislation will require organisations to invest in changes to professional practice and culture in order to achieve successful implementation. The MCA is no exception and the House of Lords highlighted that for many individuals who may lack capacity "*the empowering ethos has not been delivered... The rights conferred by the Act have not been realised*".

I have been greatly impressed during my discussions with social workers by best practice examples where application of the five fundamental principles of the MCA has led to real improvements for some of the most vulnerable and disempowered individuals in society.

Putting the time, energy and resources into furthering the principles of the MCA is, I believe, a "smart" investment. Hundreds of thousands, if not millions of individuals, may lack the capacity to make certain decisions at certain times in their lives; this includes people suffering from dementia, a brain injury, a learning disability or other forms of mental impairment. Fully realising the benefits of the MCA is a great challenge – but so is the potential reward. If we can create an environment where the principles of the MCA are practiced as second nature, it will accelerate progress towards many of the wider goals in social care and support envisaged in the Care Act 2014.

Social workers are uniquely placed to instigate a revolution in awareness and understanding of the MCA among our colleagues and service users. I am writing to you now to highlight the work the Government intends to do, but more importantly, to seek your expertise and ideas.

The Government's response to the House of Lords Inquiry was published on 10 June. I would encourage you to take a look and reflect on how you are promoting the MCA in your day-to-day work.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/318730/cm8884-valuing-every-voice.pdf

You may be particularly interested to note:

- The Social Care Institute of Excellence (SCIE) will conduct a review of MCA tools and resources to identify and advertise the best in the field. I would encourage you to consider the materials you have access to and which you are able to submit to the SCIE review in due course (further details will follow via SCIE).
- The Government's ambition for all qualified social workers to have received training on the MCA. We are currently working with the College of Social Work to develop curriculum guidance to raise the profile of the MCA in initial social work training and continuing professional development. In addition, I will be chairing a working group to examine how we might further integrate the MCA into social work training.
- The importance of the MCA at the heart of care assessment and care planning. The Department of Health has commissioned SCIE to produce a report detailing how MCA principles can be embedded

into care planning, to be published in the early autumn. This will be accompanied by a multimedia resource being produced by the Rix Centre.

- Work is commencing to develop an implementation tool to provide practical, effective support to social workers in mental health services. Good practice guidance is also being developed specifically for social workers working with people with dementia and other cognitive impairments and their carers.
- ADASS is leading a task group to consider the implications of the Supreme Court judgment on deprivation of liberty; the group is expected to issue 'top tips' advice in autumn 2014. The group has representation from local authorities, NHS England, the Care Quality Commission and the Department of Health.

I would be particularly grateful now for your insights on the role of social workers in promoting the MCA.

In particular:

1. During contact (especially initial contact) between an individual who may lack capacity and a social worker, how can a professional best communicate the rights afforded by the MCA (to the individual, their family and/ or friends)? How can professionals use the MCA to guide their interactions with these individuals?
2. When a care plan is being developed with a person, what prompts or tips could assist social workers to ensure the principles of the MCA are followed?
3. What forms of MCA training are most likely to prove attractive to social workers?
4. Would you feel comfortable/ best placed as a social worker to highlight the importance of the MCA to fellow professionals? If not, what would help?
5. Are there any other ways you feel that social workers could help encourage a health and social care culture that better reflect the principles of the MCA?

Please send me your thoughts at ChiefSocialWorkerforAdults@dh.gsi.gov.uk by **12 September 2014**. Feel free to be innovative in your suggestions. We are keen to hear new thoughts and ideas, as well as examples of local practice that could be disseminated nationally.

I will write to you again near the end of the year with a summary of the comments received and to set out how we intend to feed these into our policy making process. I will also provide an update on the Government's on-going work on the MCA.

The Department and I are committed to seeking the views of experts like you, to ensure our policy and programmes are the best they can be. I am sure that the MCA is one such area where social workers can drive positive change. Thank you in advance for your assistance.

Yours sincerely,



Lyn Romeo

Chief Social Worker for Adults (England)