



Dorset
Council



MCA and strengths-based practice

DCC Mental Capacity Act Conference 2020

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Strengths based practice is about looking beyond diagnoses and labels

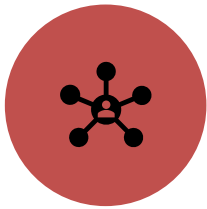


- <https://1f2ca7mxjow42e65q49871m1-wpengine.netdna-ssl.com/wp-content/uploads/2019/12/Mental-Capacity-Report-December-2019-HWDOL.pdf>
- This article helps us think about the way the law views people with cognitive impairments
- Professionals are encouraged by the way the law is framed to see people as 'Ps'
- This session is about how we roll back from that by promoting rights and humanising our practice

Strengths based practice is built on...



Strengths based practice involves reflective practice



To uphold our commitment to human rights we need to constantly challenge our assumptions to ensure we hear the voice of the individual



This is particularly pertinent when the individual is marginalised or silenced.





Let's spot some assumptions we might make...


Strengths based practice involves commitment to supporting the person to make their own decision


- Supported decision making and BI if all else fails needs to be cognisant of the individual's rights rather than be led by resources or the needs or the organisation
- A key task for all professionals is to consider what can be done to support an individual to make their own decision, for example, speech and language therapy to enable an individual's voice to be heard in relation to decisions making and either give or refuse consent.
- Finding ways to engage the individual must always be the starting point and only if an individual's voice and wishes cannot be ascertained should other aspects of the MCA be considered.


Strengths based practice involves supporting individuals to choose the care and treatment they receive

 Giving informed consent to the care and treatment individuals wish to receive is part of the human right to autonomy, dignity and respect

 We have a legal and professional obligation to respect this

 We have to find ways of working with people to support consent giving and respecting those who make decisions professionals may disagree with or feel are unwise.

 But it is not always easy to obtain consent

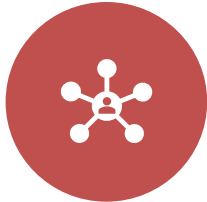
 Support in such circumstance may involve allowing appropriate time for the decision-making process, offering support and encouragement to individuals, providing specific care and treatment to enable the individual to have the mental capacity necessary to make the decision.

Strengths based practice requires practitioners to be fully appraised of legislation and policy (including the role of the Public Guardian, OPG and Court of Protection) and be able to use them appropriately to support people who may lack capacity

Health and social care workers are pains in the neck, let's be proud of this!

- Think of your professional strengths as a resource as well as the strengths of the person you are working with.
- You can do this through:
 - Education and training
 - Being supported to use the law to the benefit of the person rather than the organisation.
 - Being prepared to challenge
 - Professional curiosity
 - Professional responsibility to our values
 - Professional pride; knowing when to ask for guidance
- Every individual and every decision is different; whilst the MCA provides principles and check-lists, it does not define an answer for every case. Thus, there may be differences of opinions, changes to decisions and variations in assessments of capacity at different times, by different professionals, for different decisions. You need the knowledge and confidence to be a resource.

Strengths based practice involves professional collaboration, partnership and co-operation



The MCA requires practitioners to work closer together, involving individuals in all decisions whilst listening to the views of others.



In some situations, this includes working with an Independent Mental Capacity Advocate (IMCA). For example, when an individual lacks mental capacity to consent to serious medical treatments or detaining them for care and treatment, and they are “un-befriended” it is a legal requirement to involve an IMCA to support; the IMCA represents the voice of the individual.



For some practitioners this is quite alien – they have been used to making unilateral decisions, which often went unquestioned, were based on the best theory and evidence available and utilised their unique professional expertise.



Using the MCA has sometimes resulted in a clash of professional cultures and personal and professional values.



This has occurred where professionals with different backgrounds, alternative models of working, different professional language and opposite approaches to the needs of individuals have acted on behalf of an individual.



At times professionals have assumed their specific professional experience and knowledge overrides individual choice, resulting in a clash of culture with other professionals who view capacity and decision making differently.

Strengths based approaches understand that the MCA sets out a process for making best interests decisions, but this is not a **formula to apply**

The term 'Best Interests' itself has caused confusion amongst some health and social care practitioners, who already claim to act in the best interest of individuals.

There is a difference between **Best Interests** as defined in the MCA and '**mainstream**' best interests – for example parents make decisions they think are in the best interests of their children but those are not BI decisions as the term means in the MCA – Surprise Rachelle with a role play!

Raymond – ‘grumpy git’ or independent individual?

As you watch the film make a note of any language used that jumps out at you

<https://www.youtube.com/watch?v=WbZWRiU9BSc&t=23s>

Discuss with the person sat next to you:

1. What, if anything, you would do differently if you were in the carer’s shoes.
2. What strengths did you consider
3. How this incident could have focused on Raymond’s strengths.

Key point: Practitioners must never assume that their professional view is correct particularly if it overrides the rights of an individual to make an ‘unwise’ decision.

It is a fundamental human right that we can all make unwise decisions. In other words, an individual has the right to decide even if professionals think it is the wrong decision or ‘unwise’.

