

mental
capacity
toolkit
.co.uk



D O R S E T C O U N C I L M E N T A L C A P A C I T Y C O N F E R E N C E

1 S T M A R C H 2 0 2 2

Professor Lee-Ann Fenge: lfenge@bournemouth.ac.uk

Mike Lyne: mlyne@bournemouth.ac.uk

Dr Sally Lee: lees@bournemouth.ac.uk

National Centre of Post Qualifying Social Work:

<https://ncpqsw.com>

Centre for Seldom Hear Voices

<https://www.bournemouth.ac.uk/research/centres-institutes/centre-seldom-heard-voices>



The importance of research to inform professional practice



Supporting practitioners to make evidence-informed decisions in their work



**PARTNERSHIPS
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**The
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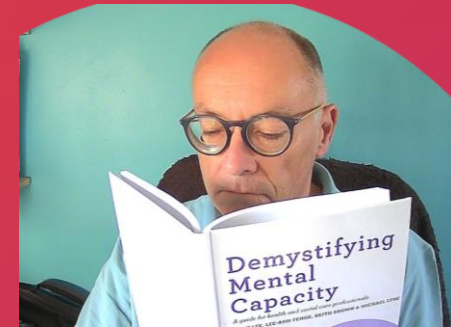
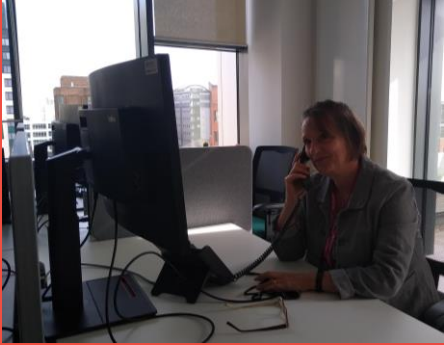
HM Government

**National Mental
Capacity Forum**

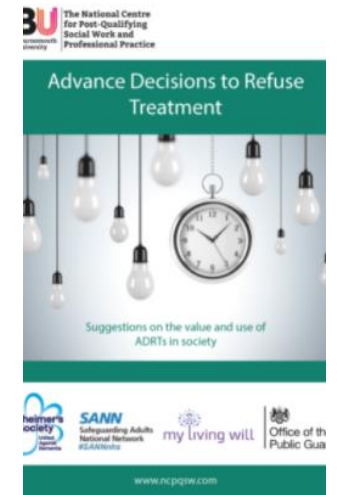
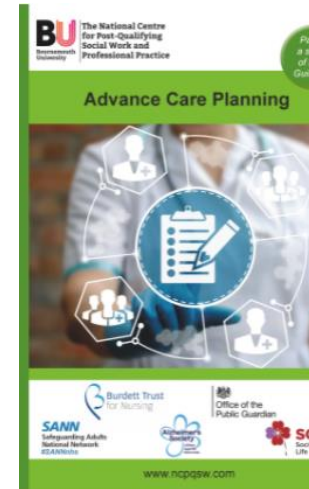
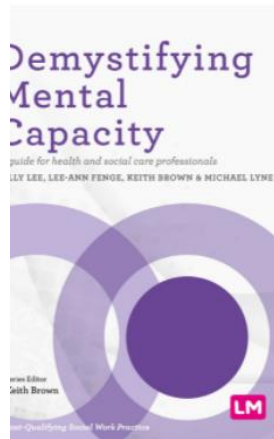
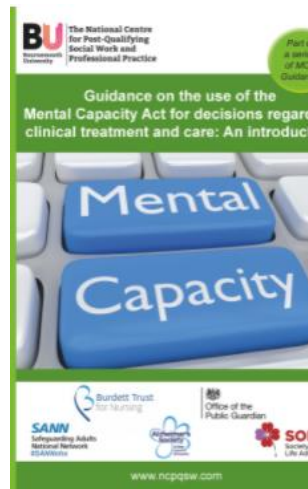
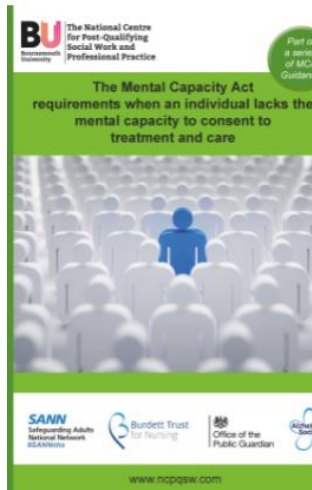


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THE TEAM AND RESEARCH ACTIVITIES



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PROFESSIONAL DECISION- MAKING

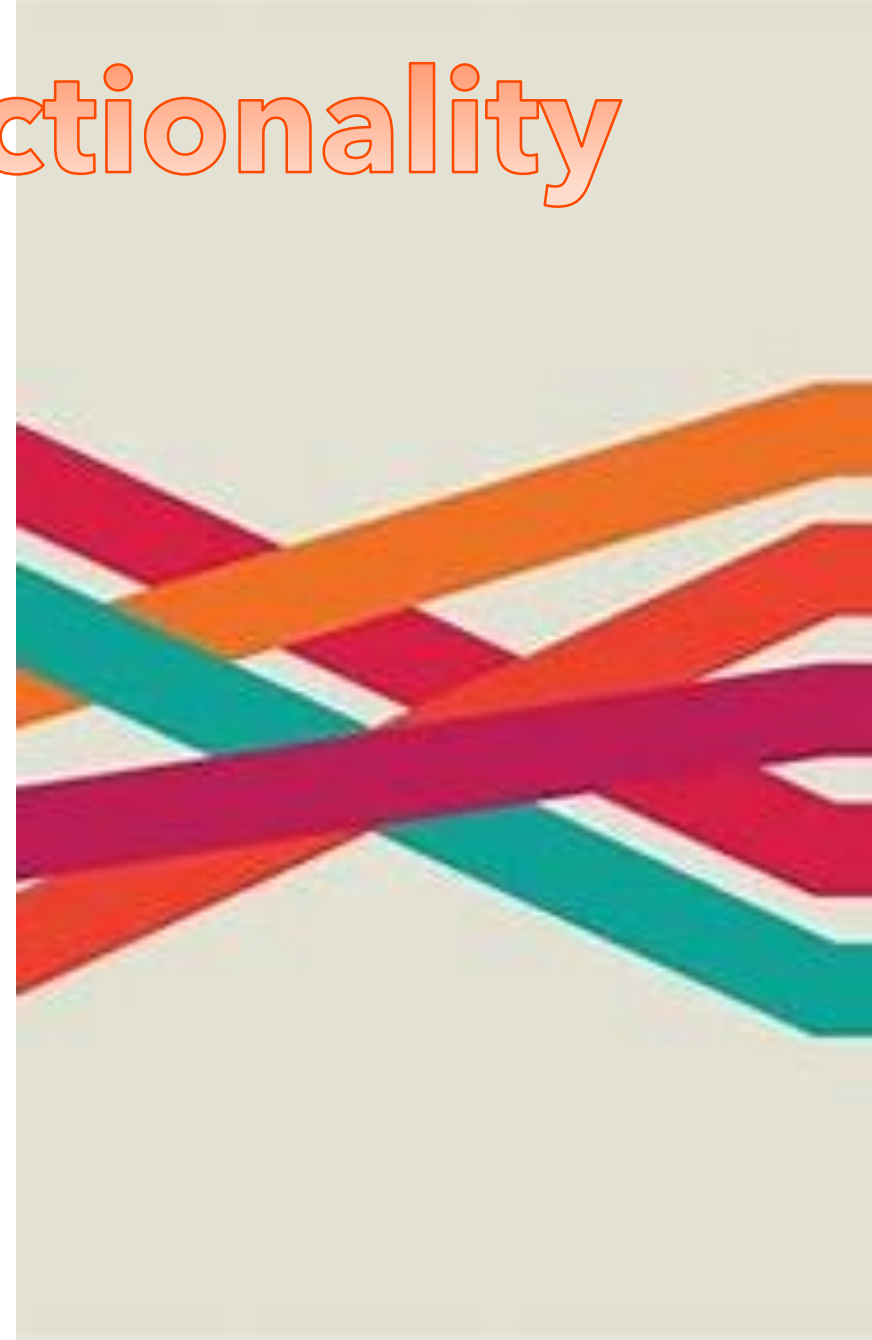
Practitioners should reflect on the way that societal values, professional values, personal values and the values of the service user influence the assessment process

Capacity assessors need to ensure that the assessment process does not disempower the person but establishes trust between the individual and the assessor.

POWER RELATIONS IN MCA WORK

Intersectionality

- It is important to consider how the power and social capital invested in certain groups can influence the weight given to their views. Professionals have social and cultural capital which give them power particularly in terms of statutory interventions linked to MCA and Best Interest Decisions.
- Power imbalances can suppress the service users voice within the assessment process. Intersectionality refers to the intersections of disadvantage and marginalisation that certain people experience linked to age, gender, sexuality, race and disability which can silence them further.



DEFENSIVE PRACTICE

- Defensive practice can occur when a professional sets their own professional needs/concerns above the interests of the service user. Studies have highlighted that that defensive practice is a common amongst a range of health and social care professionals (Reuveni et al., 2017; Taylor and Whittiker, 2018).
- Defensive practice can lead to risk averse practice. For example, - 'best interests' may be conflated with the clinician's evaluation of 'best medical interests' (Taylor, 2016:178), or if an assessor disagrees with a person's choice, they are might suggest that a person lacks capacity in their decision, rather than accepting it as an unwise choice (Emmet et al., 2013).



PROFESSIONAL CURIOSITY

- Not 'jumping to conclusions' or accepting the first thoughts
- Recognising the importance of context on decisions
- Thinking deeply about a situation... breaking down thoughts
- Probing assumptions and unquestioned beliefs
- Dig into reasoning rather than assuming as a given.
- Explore your thinking and consider equally valid viewpoints.
- Consider the potential consequences of your thinking and assumptions.



REFLECTIVE QUESTIONS

- Why is it important to reflect on potential bias and assumptions within decision making?
- Why is it important to consider power relations in mental capacity work?

REFERENCES

- Emmett C, Poole M, Bond J, Hughes JC. (2013). Homeward bound or bound for a home? Assessing the capacity of dementia patients to make decisions about hospital discharge: comparing practice with legal standards. *International Journal of Law Psychiatry*. 36(1):73-82.
- Reuveni I, Pelov I, Reuveni H, Bonne O and Canetti, L. (2017). Crosssectional survey on defensive practices and defensive behaviours among Israeli psychiatrists. *British Medical Journal Open*. Available at: <https://bmjopen.bmj.com/content/bmjopen/7/3/e014153.full.pdf>
- Taylor, H.J. (2016). What are 'Best Interests'? A Critical Evaluation of 'Best Interests' Decision-Making in Clinical Practice, *Medical Law Review*, 24(2): 176-205.
- Taylor, B. and Whittaker, A. (2018). Professional judgement and decision-making in social work, *Journal of Social Work Practice*, 32:2, 105-109