

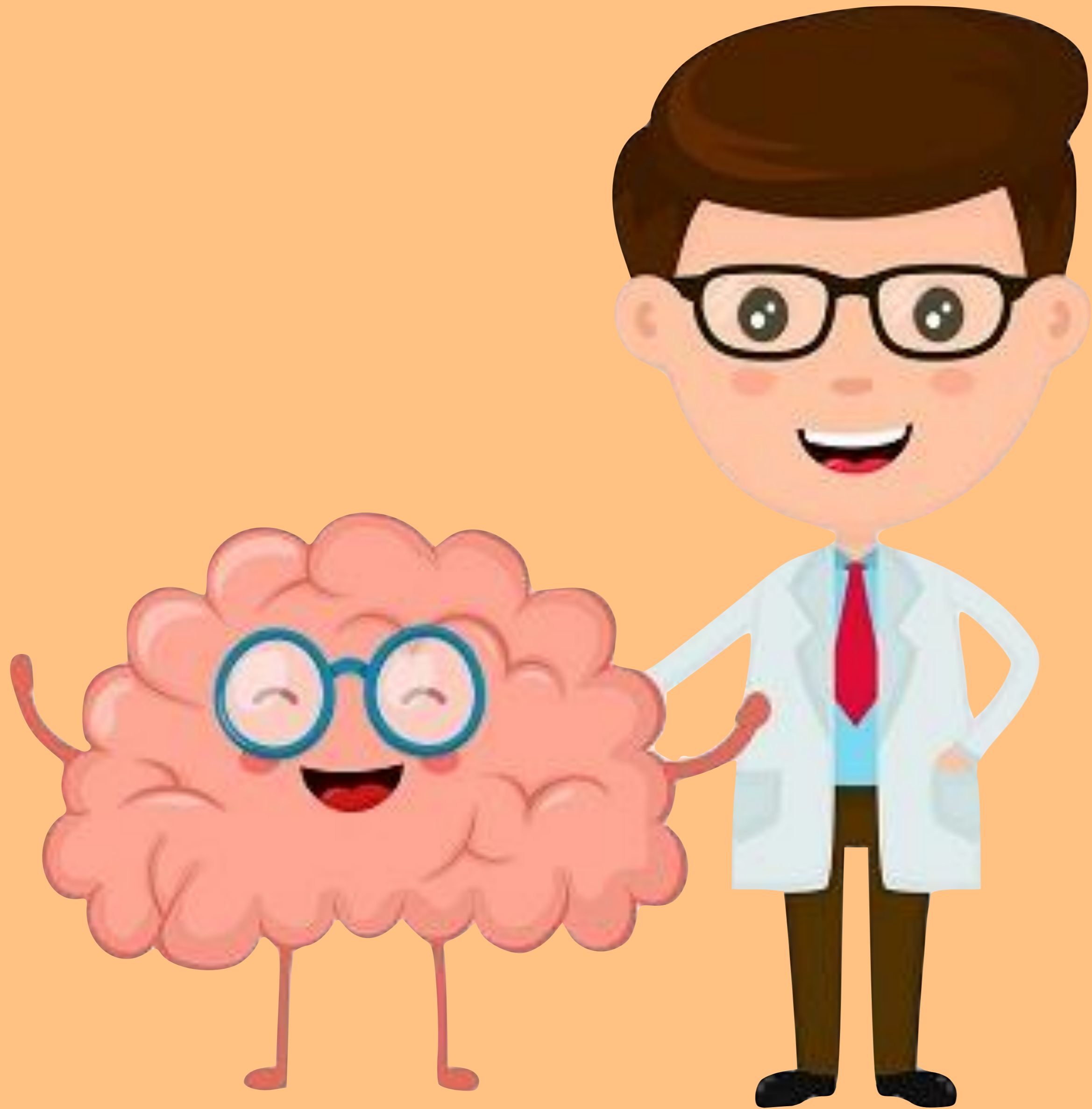


# Discrimination & Equality in MCA Practice

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**DR. BEN HENRY**

- 1. Lessons**
  - 2. Our Obligations**
  - 3. Bias, Equality, Equity & the Mental Capacity Act**
  - 4. Discrimination**
  - 5. Professional Responsibility**
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# Discrimination & Equality in MCA Practice

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**DR. BEN HENRY**

About me:

- 20 years experience
  - Specialist in capacity assessments
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## 1. Lessons: From History

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- “Injustice anywhere is a threat to justice everywhere” ~*Martin Luther King*
- “Not everything that is faced can be changed, but nothing can be changed until it is faced” ~*James Baldwin*
- “In a racist society, it is not enough to be non-racist, we must be anti-racist” ~*Dr. Angela Y. Davis*



## 2. Our Obligations In Law

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- **MCA Statutory Principle Two:**
  - Providing support is a statutory obligation & not discretionary
- **MCA Statutory Principle Four:**
  - Any decision made must be in the person's best interests



### 3. Bias, Equality, Equity & the Mental Capacity Act

## Bias

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- Bias is Normal, But Not Acceptable



### 3. Bias, Equality, Equity & the Mental Capacity Act

## Bias

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- Inherent in the MCA
- Unconscious
- Conscious

## EQUALITY



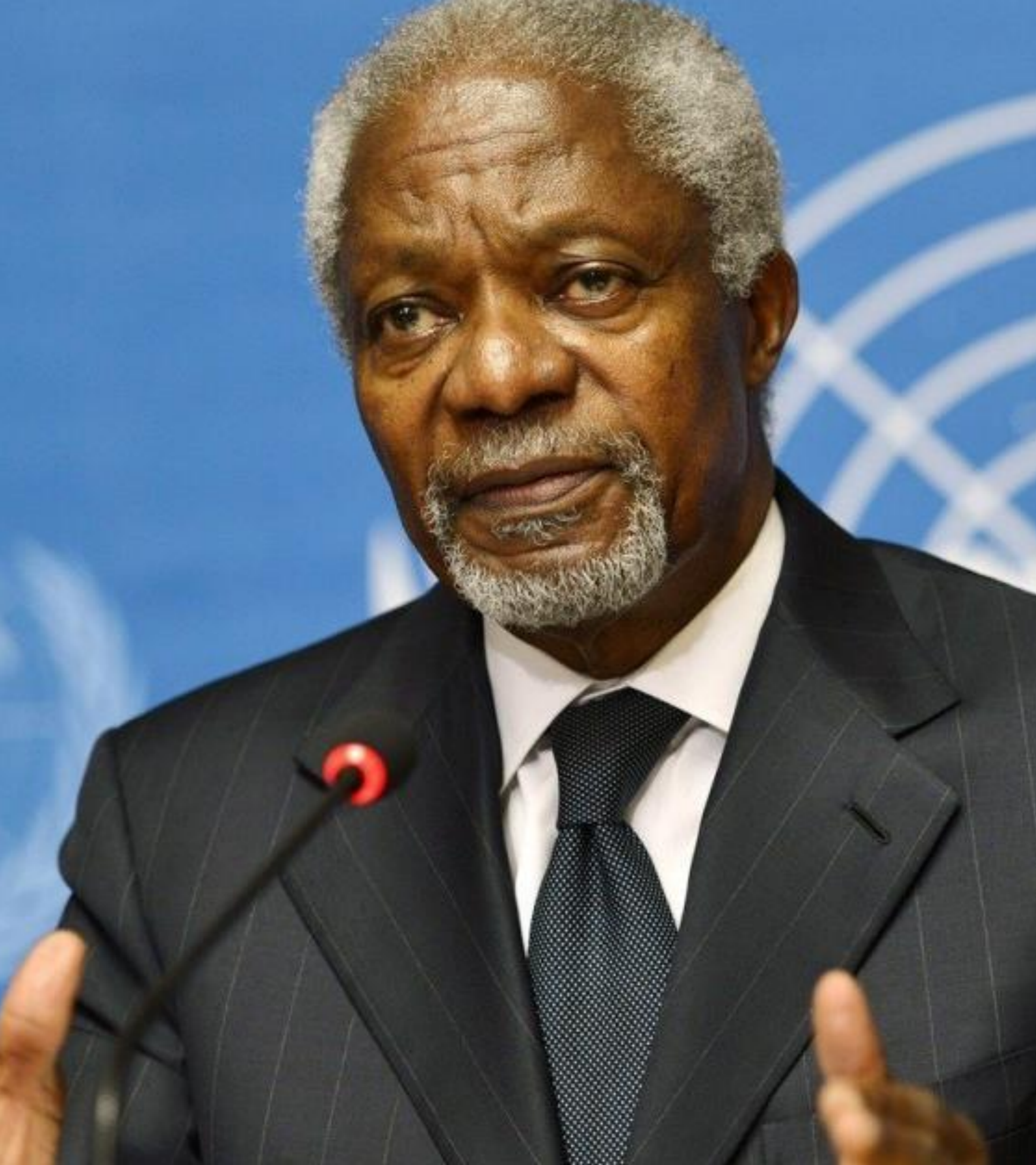
## EQUITY



### 3. Bias, Equality, Equity & the Mental Capacity Act

## MCA Statutory Principles

- MCA Statutory Principle Two:  
Providing support is a statutory obligation & not discretionary
- MCA Statutory Principle Five:  
Any decision made must be in the person's best interests



## 4. Discrimination Race & Culture

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## 4. Discrimination

# Race & Culture

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- Addressing people
- Being guided by family and friends
- Enabling the family-friend-connection



## 4. Discrimination Race & Culture

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- Discussing difficult topics with cultural sensitivity
- Acknowledging cultural gender roles
- Cuisine & culture



## 4. Discrimination Language

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- Interpreters
- Accessible word choice
- Access in recreation



## 4. Discrimination Age

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- Dismissing expressed wishes
- Equity, not equality
- Enabling for independence & stimulation



## 4. Discrimination Mental Disorder

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## 4. Discrimination Mental Disorder

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- Equity, not equality
- Dismissing expressed wishes & not considering those that aren't



## 4. Discrimination Mental Disorder

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- Assess decisions for each medication separately
- Ensure prescriptions are relevant
- Mental disorder & romance



## 5. Professional Responsibility Being proactive

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Mary McLeod Bethune





## 5. Professional Responsibility Being proactive

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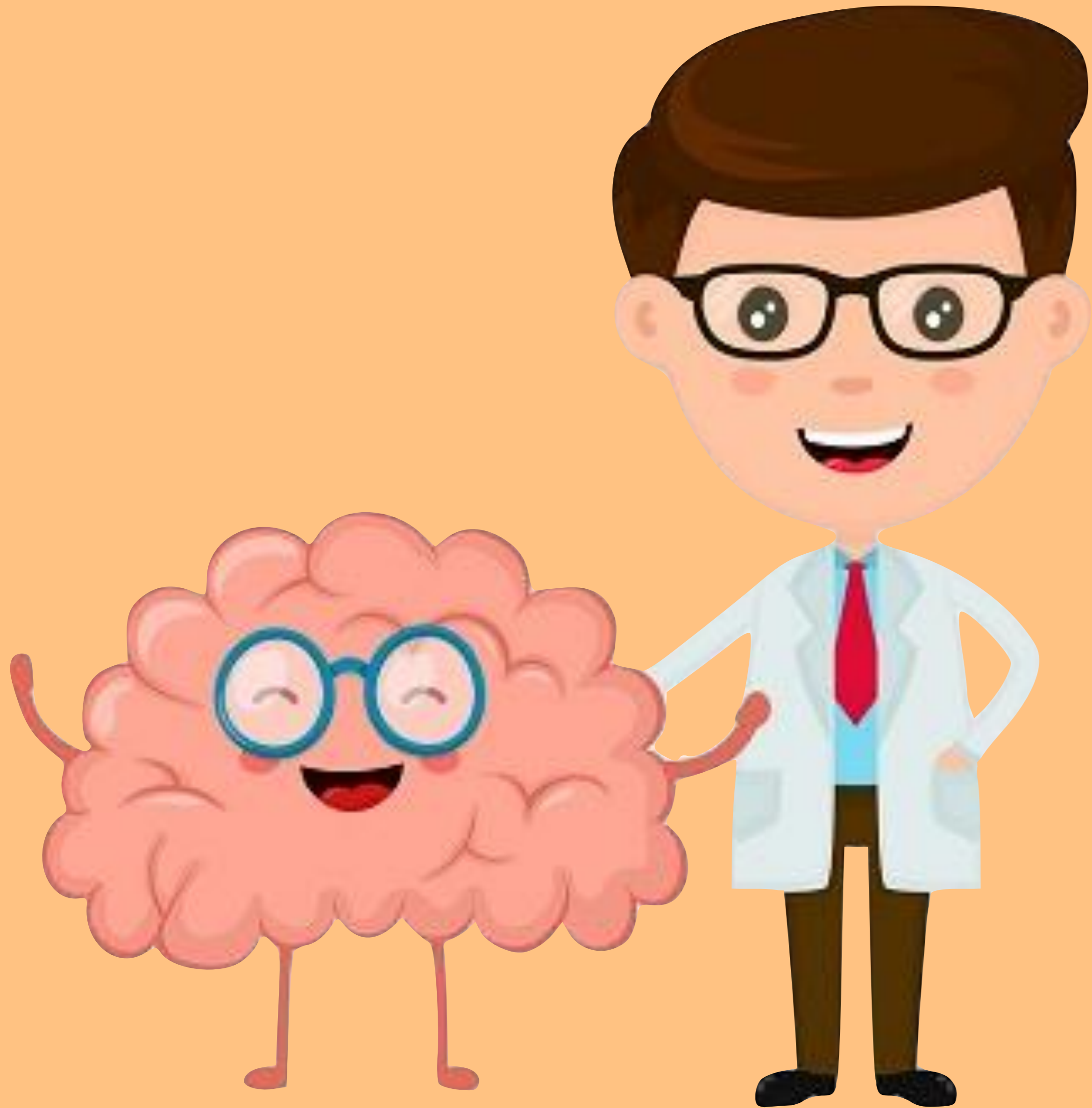
- Be introspective about our own biases
- Educate ourselves about biases
- Employ the Golden Rule
- Challenge our colleagues
- Maintain exceptional professional standards

## 5. Professional Responsibility

# Applying the Law Correctly

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- Mary is 85 years old
  - She has dementia & currently lives in a care home
  - When she used to live in the community, she was found:
    - wandering on busy roads
    - inappropriately dressed for the weather (hypothermia on one occasion)
    - requiring police intervention, at times
  - You have been asked to assess her capacity to decide where she wishes to reside for the purpose of receiving care & treatment
  - When you discuss with Mary the concerning behaviour, above, she tells you that this is nonsense & that no such thing has ever occurred
  - **At which stage of the functional test of capacity, based on this statement, does Mary fail?**
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**DR. BEN HENRY**

[ben@psycapacity.com](mailto:ben@psycapacity.com)

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