

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO DECISION RECORD

11th December 2006

Present:

Councillor Ray Waller (Adult and Public Health Services Portfolio Holder)

Officers: Alan Dobby, Assistant Director (Support Services)
Geraldine Martin, Head of Social Work / Social Care
Jo Wilson, Democratic Services Officer

19. Implementation of the Mental Health Capacity Act (MCA) 2005 across the Hartlepool Locality *(Director of Adult and Community Services)*

Type of decision

Non-Key

Purpose of report

To present an implementation strategy for the Mental Capacity Act 2005 (MCA) across the Hartlepool locality.

Issue(s) for consideration by Portfolio Holder

The MCA provides a statutory framework to empower and protect adult vulnerable people who may not be able to make their own decisions. Section 42 sets out categories of people who are placed under a legal duty 'to have regard to the code', including people working in a professional capacity and receiving payment for work in acting in relation to the person lacking capacity. Failure to comply can be used in evidence before a court or tribunal in any civil or criminal proceedings. The MCA will affect approximately 8 million people in England and Wales and is underpinned by a set of 5 key principles –

- Presumption of capacity
- Right for individuals to be supported to make their own decisions
- Right to make what might be seen as unwise decisions
- Best interests
- Least restrictive intervention

Also included are a number of provisions to protect vulnerable people, the

most important of which is the provision of an England-wide Independent Mental Capacity Advocate (IMCA) service. This will provide advocacy for people without capacity and who have no families' or friends to support them.

Details were given of the proposed formulation of a Local Implementation Network for the MCA and IMCA. Following discussions with commissioners and MCA leads in neighbouring local authorities it was proposed that the IMCA service be jointly commissioned across Teesside, pooling the allocations from each of the 4 local authorities. This would be more cost effective and lead to a better service than commissioning from a single local authority. Training for staff on the MCA would be co-ordinated by Hartlepool Borough Council in negotiation with the other 3 Local Authorities to maximise the efficient use of resources. An action plan was appended to the report for the Portfolio Holder's attention. The Portfolio Holder commented that he hoped the funding streams would be consistent as stability and continuity was an important factor for those with mental health issues.

Decision

That the specified direction for implementing both the MCA and IMCA service for the Hartlepool locality on 1st April 2007 be agreed.

20. Social Inclusion and Mental Health Action Plan (Director of Adult and Community Services)

Type of decision

Non-Key

Purpose of report

To inform the Portfolio Holder of the contents of the Hartlepool Mental Health Social Inclusion Strategy and Plan.

Issue(s) for consideration by Portfolio Holder

The Social Exclusion Unit of the Office of the Deputy Prime Minister reinforced the Social Inclusion Agenda from the perspective of Mental Health and published a report on Mental Health and Social Exclusion. This report highlighted the need for a specific focus on issues that relate to Mental Health and recommended a Strategy and Plan be put in place to ensure that this agenda was addressed. In Hartlepool the Local Strategic Partnership signed up to a strategy in November 2006 and subsequently an Action Plan had been developed with key outcomes identified to reduce the social exclusion people with mental health problems could experience.

Detailed information on the key areas outlined in the strategy and the specific outcomes to be achieved was given to the Portfolio Holder.

Particular attention was drawn to the review of Day Services and the establishment of an outcome for volunteers to grow produce that is owned by them by July 2007.

Decision

That the Social Inclusion Plan be noted and endorsed as part of an effective strategy to reduce the Social Exclusion faced by people with mental health problems in Hartlepool.

J A BROWN

CHIEF SOLICITOR

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