JOB DESCRIPTION

|  |  |
| --- | --- |
| **JOB DETAILS** | |
| **Job Title** | Mental Capacity Act/Liberty Protection Safeguards (MCA/LPS) Senior Practitioner |
| **Reports to** | Peter Deadman MCA/LPS Lead |
| **Band** | AfC Pay scale Band 6 (Subject to banding and formal matching) |
| **Department/Directorate** | MCA/LPS Team/Specialist Services |

|  |
| --- |
| **JOB PURPOSE** |
| To be part of the team who are responsible for overseeing the operational delivery of the Mental Capacity Act (2005) within the Trust.  To support staff to demonstrate and improve compliance with the Mental Capacity Act (2005). To provide effective clinical expertise for the implementation of Liberty Protection Safeguards (LPS) and management of Deprivation of Liberty Safeguards (DoLS) across the acute Trust.   * The post holder will work as part of the MCA/LPS team (which will be closely affiliated to the wider safeguarding team) to ensure patients with complex vulnerabilities due to capacity issues are protected from harm, receive the correct support and have appropriate adjustments made to ensure their journey is individualised, safe and therapeutic. * Acting under the direction of the Trust’s MCA/LPS Lead, as local clinical experts for all aspects around DoLS and subsequently LPS you will provide leadership, training and support to staff in implementing the transition from Deprivation of Liberty Safeguards (DoLS) to LPS as outlined in the MCA Amendment Act (2019). |
| **KEY RESULT AREAS/PRINCIPAL DUTIES AND RESPONSIBILITIES** |
| * To be responsible for overseeing the operational delivery of the Mental Capacity Act (MCA) DOLS (Deprivation of Liberty Safeguards) and the Liberty Protection Safeguards (LPS) when they are introduced , ensuring that records are maintained and disseminated to the Care Quality Commission or other Body as required by Law. * To provide effective clinical expertise for the management of Deprivation of Liberty Safeguards (DoLS) across the acute Trust and support the implementation of Liberty Protection Safeguards (LPS). * To provide professional advice, training and support to all relevant Royal Devon staff regarding MCA, DoLS and LPS. * Work with the MCA/LPS Lead Officer to ensure a smooth transition from DoLS to LPS. * To be responsible as a “Pre-authorisation Reviewer” of LPS applications, as part of the MCA/LPS Team within a Trust with responsible body status for LPS. * To ensure that patients are promptly and correctly referred and any timescales outlined in the proposed LPS Code of Practice are achieved. |
| **KEY WORKING RELATIONSHIPS** |
| **Areas  of  Responsibility:**  Actively participate in a wide range of professional communication groups, networks both internal and external,  MCA/LPS Team  Integrated safeguarding team  Clinical Training Team  Subject matter leads and specialist teams  Matrons, Line Managers and clinical staff within the Trust  PALS Team  Operational staff groups  The post holder is required to deal effectively with staff of all levels throughout the Trust, the wider Healthcare community, external organisations and the public. This will include verbal, written and electronic media.  No. of Staff reporting to this role: 1  The post holder is required to deal effectively with staff of all levels throughout the Trust as and when they encounter them on a day to day basis.  In addition, the post holder will deal with the wider healthcare community, external organisations and the public.  This will include verbal, written and electronic media.  Of particular importance are working relationships with:   |  |  | | --- | --- | | **Internal to the Trust** | **External to the Trust** | | * Royal Devon University Healthcare NHS Foundation Trust MCA/LPS Lead/team * Royal Devon Safeguarding team * Royal Devon Legal Department * Workforce Development team * Dementia Specialist Nurse and Admiral Nurses * Clinical leads and specialist teams * Clinical matrons, line managers and clinical staff within the Trust * Clinical Audit and Effectiveness team * Risk Management Team * Governance team * Wards & departments within the Trust * Operational staff groups * Community teams * PALS team | * Devon Partnership Trust Learning Disability and Psychiatric Liaison Teams based within Northern Services * Torbay & Devon Safeguarding Adults Partnership & MCA subgroups * South West NHS MCA/LPS teams * Devon Advocacy Consortium * Devon County Council DoLS Team * New Devon Clinical Commissioning group (CCG) MCA/Lead and Safeguarding Team | |  |  | |  |  | |  |  | |

|  |
| --- |
| **ORGANISATIONAL CHART** |
| |  | | --- | | Chief Nurse | | Director of Operations  Nurse Consultant Safeguarding Lead - Integrated Safeguarding Team  MCA/LPS Team Lead  Specialist Nurses Safeguarding  2x MCA/LPS Senior Practitioners (In post)  **MCA/LPS Senior Practitioner**  **(1 x 1.0 WTE)**  **THIS POST**  **(**  Integrated Safeguarding Team Administrators  MCA/LPS/Safeguarding Team Administrator | |
| **FREEDOM TO ACT** |
| * At all times ensure own and others practice is working within codes of practice and guidelines (e.g. Scope of Professional Practice and Code of Conduct). * Works within Royal Devon Mental Capacity Act and Deprivation of Liberty Safeguards Policy * Works in reference to Mental Capacity Act (2005), and the Mental Capacity (Amendment) Act (2019) * Accountable for own professional action. * Senior Practitioner as part of MCA/LPS team. * Line Management from MCA/LPS Lead. * Lead the assessment of staff training needs in MCA and co-ordinate and deliver appropriate training. * Support the identification of priorities/challenges within MCA/LPS. * Promote a blame free culture in reporting incidents and where appropriate initiating a local investigation in a timely manner. * Resolve relevant complaints and issues at a local level in partnership with patients, carers and their family and other healthcare professionals. * The post holder will be guided by the MCA/LPS Team Lead and IST members or Safeguarding Lead, as well as Trust policies and procedures, using own initiative and seeking advice from manager and team as required. |
| **COMMUNICATION/RELATIONSHIP SKILLS** |
| * The post holder will be required to take responsibility for handling queries and information in a tactful, diplomatic and empathic manner, adhering to the organisations standards of customer care. * The post holder will be required to deal with complex and sensitive information in a non-judgemental way, sometimes in challenging situations. * The post holder will work alongside the MCA/LPS Lead and members of the Integrated Safeguarding Team to support the development, co-ordination, management and delivery of the Liberty Protection Safeguards and MCA across the Trust. * There will be regular communication with the MCA/LPS Lead and members of the Integrated Safeguarding Team to ensure seamless delivery of the Trust responsibilities under the Mental Capacity (Amendment) Act 2019. * The post holder will be expected to behave in accordance with the Trust's values of demonstrating compassion, Integrity, Inclusion and Empowerment. * Participate in Clinical Governance and incident reporting aligned to Trust Policy. * Promote collaborative working with all clinicians across the Trust and with other providers. * To provide advice directly or escalate queries to MCA/LPS Lead, Legal Services, Senior Safeguarding Specialists or Head of Safeguarding from clinicians at all levels, in relation to the MCA. * To work closely with mental health staff from Devon Partnership Trust (DPT) whilst supporting patients and staff with the MCA. * To have an excellent working relationship with Advocacy services. * Participate in and ensure that effective communication takes place between patients, relatives/carers, staff and other agencies. * To promote and drive communication excellence with patients and relatives/carers, in line with best practice under the MCA. * Treat all persons encountered during the course of duties with respect and courtesy and maintain a standard of conduct which best represents the Safeguarding team and the Trust. * Presenting complex information to groups in the form of MDT training, and support of formal and at times complex best interest meetings. * Evaluating complex LPS applications requiring liaison with a range of professionals. |
| **ANALYTICAL/JUDGEMENTAL SKILLS** |
| * To promote, develop and improve practice in the Trust in relation to MCA/ LPS, including supporting staff to identify appropriate patients, support onward referrals and with completion of appropriate documentation. * Undertaking MCA assessments which may be complex, as well as teaching staff to complete assessments autonomously, with the practitioner and their knowledge available to support them. To offer advice, guidance and examples with MCA and DOLS assessments. * Ensure all LPS/MCA training is monitored and evaluated for quality and effectiveness. * Be responsible for actively identifying areas of problems and risk, reporting incidents and taking immediate action utilising the relevant Trust procedures and working with the clinicians, Safeguarding team and Clinical Governance team. * To support MCA/LPS Lead to audit the use of the MCA/LPS within the Trust, preparing reports of any findings including highlighting good or poor practice. * To contribute to investigations related to own area of expertise, and to be an advisor in agreeing Terms of Reference where investigation includes a focus on mental capacity or similar. * To analytically review Liberty Protection Safeguards applications and Mental Capacity assessments within the Trust. * To critique complex cases in relation to mental capacity and deprivations of liberty and determine appropriate multi-disciplinary actions and legal considerations, which require the analysis, interpretation and comparison of a range of options. * To review and analyse figures in relation to deprivations of liberty within the Trust to inform area of focus for the team and LPS processes. * To maintain contemporary knowledge of MCA, DoLS & LPS through participation in ongoing education and professional development. |
| **PLANNING/ORGANISATIONAL SKILLS** |
| * To represent the Trust at internal meetings as required and to represent the Trust at external meetings to the organisation when required. * The post holder will be expected to plan and organise their own programmes of work. They will be required to support Staff throughout the Trust to identify, assess and manage all LPS applications. * They will be required to organise and plan training and education programmes and courses and they will be responsible for ensuring that plans are adjusted to meet changing deadlines and shifting priorities. * The post holder must be able to manage a diverse workload, identify priorities and multi task to ensure delivery of the Trusts responsibilities as a ‘Responsible Body’. * To support and advise on deprivation of liberties in relation to discharge and the transportable nature of an authorisation. * To attend, and support clinical staff in relevant Best Interest meetings when specialist support is indicated. * To critically evaluate, and prioritise deprivations of liberty within the Trust and allocate work accordingly, including the requirement to support the formulation and adjustment of plans or strategies. * To expand and maintain professional knowledge and skills in relation to DoLS/LPS and MCA by keeping abreast of current trends/initiatives and related developments. * To participate in regular supervision, professional development and appraisal in order to maintain relevant skills and knowledge. * There will be an expectation of this role initially having a focus on DoLS with gradual increase to focus on LPS as it is implemented. |
| **PATIENT/CLIENT CARE** |
| * Assist staff in identifying when someone is being deprived of their liberty. * Undertake and assist staff to undertake Mental Capacity Assessments so that staff are empowered to undertake MCA assessments independently, providing specialist advice in relation to considerations around MCA and LPS. * Refer to other specialists as required in order to provide optimal care of the patient. * The post holder will have regular contact with patients/clients by phone or face to face and will provide information and advice to patients and carers. * Collate information to ensure that there is an accurate overview of all patients who are deprived of their liberty within the organisation, that applications are processed within timescales and that appropriate review is undertaken. * Act as a reviewer of patients held under a LPS for the Trust, who will be accountable as the Responsible Body for LPS. * Support patients to understand the process and assist them to find appropriate advocates/IMCAs to support them. |
| **POLICY/SERVICE DEVELOPMENT** |
| * Support the MCA/LPS Lead/line manager to develop and set up systems to administer the new legislation and disseminate information to clinical staff in relation to LPS. * Assist staff in undertaking their role in regards to the MCA/LPS as appropriate, with an emphasis on staff development rather than the creation of dependency. * To support the development of advice, training, policy and guidance for staff around MCA and LPS which impacts across Royal Devon and contribute to service improvement. * To develop and design training materials and deliver remote and face to face training for staff, service users and/or carers around LPS and MCA. * To consider training needs in respect of MCA/LPS across the Trust and plan delivery across teams and disciplines. * With the wider safeguarding team take responsibility in dissemination and implementation of findings and recommendations from investigations and enquiries |
| **FINANCIAL/PHYSICAL RESOURCES** |
| * Have an awareness of the available resources in the LPS Team budget and assist where possible the MCA/LPS Lead to maintain resources. * Care for and maintain IT and phone equipment. * The post holder will not have a delegated authority for a budget. * To ensure the efficient and effective use of all resources used within the course of one’s own duties, maintaining an awareness of the financial impact of inappropriate use. |
| **HUMAN RESOURCES** |
| * To maintain own professional development required for the role. Take an active part in the development review of own work suggesting areas for learning and development in the coming year. * To provide support for the recruitment process and to deliver on the job training for new staff, taking an active part in the review of the teams work plan, suggesting areas for learning and development in the coming year. * To support and encourage Staff to identify, assess and manage all patients that lack capacity and those that may be deprived of their liberty. * To promote a learning environment through identifying opportunities and seeking resources required for own and others learning. * The post holder will take an active part in the development review of own work suggesting areas for learning and development in the coming year. * The post holder will be expected to contribute to the development of a skilled workforce and facilitate a range of education, training and learning opportunities. This includes support in the delivery of structured training as well as ad hoc teaching opportunities to develop practice around MCA and LPS. This is an on-going job responsibility required for the role. * The role will facilitate the development of staff and improve skills and competencies to develop the individual, team and organisational performance in line with Trust objective. * Number of Staff reporting to this role: 1 |
| **INFORMATION RESOURCES** |
| * Ensure clear, accurate and concise records are kept in accordance with all regulatory requirements including the GDPR and Data Protection Act. * Occasionally uses a range of computer systems e.g. Word, Excel and PowerPoint to create reports, documents and presentations. Taking notes of team meetings and distributing them as required, ensuring that any actions are followed up. * Co-operate with external and internal audit, data monitoring and quality assurance. * To assist the MCA/LPS Lead and the Head of Safeguarding in provision of regular reports for the Joint Integrated Safeguarding Committee, MCA/LPS and Safeguarding Operational Groups, particularly around any significant usage of MCA, and to assist them with aspects of the Trust’s Annual MCA report. * To support the review of relevant Royal Devon policies, internal processes and procedures. |
| **RESEARCH AND DEVELOPMENT** |
| * To support the audit of MCA, DoLS and LPS within the Trust, preparing reports of any findings including highlighting good or poor practice. * Ensure audits are effective, allowing close monitoring, analysis of information and evidencing of service improvement. * Provides data and analysis of audit data to review trends in areas linked to MCA DoLS & LPS to implements service improvements. |
| **PHYSICAL SKILLS** |
| * Using keyboard and computer equipment. * Use of telephone and MS Teams. * Accuracy of information. * Numerical skills, especially when undertaking audit. * Utilisation of keyboard skills, occasional lifting and moving of documents or education materials within capability. * Transporting and use of training equipment as required such as lap top and projector etc |
| **PHYSICAL EFFORT** |
| * Role will include periods of desk work, involving sitting for extensive periods. * Role will regularly entail visiting and contributing across multiple acute wards within Royal Devon * Occasional physical effort. * This role will sometimes be required to travel across the Trust service areas. Office work with a frequent requirement to sit in a restricted position at display screen equipment. Occasional lifting of files, laptops, projectors, conference phones, presentation materials, training equipment and stationery. |
| **MENTAL EFFORT** |
| * There is a frequent requirement for concentration, where the demand of work pattern is at times unpredictable. * Requirement to regularly concentrate to deliver and manage the varied priorities. * The post holder will be required to concentrate when delivering training in various clinical and non-clinical areas. * The post holder will need to concentrate when working with staff on the wards to deal with interruptions and either individual or group sessions. |
| **EMOTIONAL EFFORT** |
| * Occasional exposure to distressing or emotional circumstances in relation to; restraint, patient circumstances, and medical conditions in relation to DoLS/LPS reviews * Occasionally manage a difficult situation, which may arise with angry/upset patients and family members and telephone callers. * May have to deal with sensitive/disturbing information. * The post holder will respond to concerns and questions from a wide range of people, who may be anxious about specific issues particularly in relation to MCA and LPS. |
| **WORKING CONDITIONS** |
| * Exposure to unpleasant working conditions or hazards is rare; this could include dusty and noisy environments, and witnessing verbal/physical aggression. * The post holder will also be required to deliver teaching in various Trust settings and may be required to visit other Trust sites and community areas to deliver programmes to support staff, nurses, therapists etc in community nursing teams and community hospitals. * The post holder may occasionally be exposed to body fluids when working on the wards with staff in the provision of personal care. |
| **OTHER RESPONSIBILITIES** |
| * To take part in regular performance appraisal. * To undertake any training required in order to maintain competency including mandatory training, e.g. Manual Handling. * To contribute to and work within a safe working environment. * The post holder is expected to comply with Trust Infection Control Policies and conduct him/herself at all times in such a manner as to minimise the risk of healthcare associated infection. * As an employee of the Trust, it is a contractual duty that you abide by any relevant code of professional conduct and/or practice applicable to you. A breach of this requirement may result in action being taken against you (in accordance with the Trust’s disciplinary policy) up to and including dismissal.   You must also take responsibility for your workplace health and wellbeing:   * When required, gain support from Occupational Health, Human Resources or other sources. * Familiarise yourself with the health and wellbeing support available from policies and/or Occupational Health. * Follow the Trust’s health and wellbeing vision of healthy body, healthy mind, healthy you. * Undertake a Display Screen Equipment assessment (DES) if appropriate to role. |
| **DISCLOSURE AND BARRING SERVICE CHECKS** |
| This post has been identified as involving access to vulnerable adults and/or children and in line with Trust policy successful applicants will be required to undertake a Disclosure & Barring Service Disclosure Check. |
| **THE TRUST- VISION AND VALUES** |
| Our vision is to provide safe, high quality seamless services delivered with courtesy and respect. To achieve our vision we expect all our staff to uphold our Trust values. Our Trust values are:  Compassion  Integrity  Inclusion  Empowerment  We recruit competent staff that we support in maintaining and extending their skills in accordance with the needs of the people we serve. We will pay staff fairly and recognise the whole staff’s commitment to meeting the needs of our patients. We are committed to equal opportunity for all and encourage flexible working arrangements including job sharing.  We are committed to recruiting and supporting a diverse workforce and welcome applications from all sections of the community, regardless of age, disability, gender, race, religion, sexual orientation, maternity/pregnancy, marriage/civil partnership or transgender status. We expect all staff to behave in a way which recognises and respects this diversity, in line with the appropriate standards. |
| **GENERAL** |
| This is a description of the job as it is now. We periodically examine employees' job descriptions and update them to ensure that they reflect the job as it is then being performed, or to incorporate any changes being proposed. This procedure is conducted by the Manager in consultation with the jobholder. You will, therefore, be expected to participate fully in such discussions. We aim to reach agreement on reasonable changes, but if agreement is not possible, we reserve the right to insist on changes to your job description after consultation with you.  Royal Devon University Healthcare NHS Foundation Trust is a totally smoke-free Trust. Smoking is not permitted anywhere on Trust property, including all buildings, grounds and car parks. For help to quit call: 03001 231044 |

PERSON SPECIFICATION

|  |  |
| --- | --- |
| **Job Title** | Mental Capacity Act/ Liberty Protection Safeguards Senior Practitioner |

|  |  |  |
| --- | --- | --- |
| **Requirements** | **Essential** | **Desirable** |
| **QUALIFICATION/ SPECIAL TRAINING**   * Registered Nurse, Allied Health Professional or Social Worker * Qualified professional with current professional registration * Professional knowledge acquired by degree or demonstration of equivalent experience * Evidence of demonstrable experience in working with adults with Mental Capacity Act issues and providing specialist advice/administration in a complex NHS or Social Care Organisation. * Evidence of working with patients with complex needs, Older People, people with Learning Disability, dementia, mental health issues or substance misuse | E  E  E | D  D |
| **KNOWLEDGE/SKILLS**   * Skills to support and assess patients who may have barriers to understanding * Provide and receive complex, sensitive information about patient’s history. * Support patients and relatives who may have special needs. * Be able to consider a range of facts or situations requiring comparison * Skills for assessing clients using appropriate treatment from range of options * Thorough working knowledge of MCA and the ability to absorb and disseminate complex information to others whose learning needs may vary significantly * Excellent communication skills both face to face and in writing * Plan and organise straightforward activities, some ongoing. * Plans & prioritises own caseload, arranges appointments * Ability to promote understanding & incorporation of equality and diversity within safeguarding practice * Role model best practice in the application of MCA * Reflective approach to practice * Evidence of continuing professional development * Evidence of participating in Clinical Audit * Multi-disciplinary team working across health, social and/or voluntary sectors * Core IT skills | E  E  E  E  E  E  E  E  E  E  E  E  E  E  E | D |
| **EXPERIENCE**   * Evidence of demonstrable experience in working with adults with Mental Capacity Act and providing specialist advice/administration in a complex NHS or Social Care Organisation * Experience of designing and delivering training * A proven broad level of knowledge and experience of healthcare/social care settings * Evidence of teaching or facilitation ability with a range of people and staff groups * Experience of undertaking MCA assessments * Experience with DoLS authorisations | E | D  D  D  D  D |
| **PERSONAL ATTRIBUTES**   * Proven ability to work autonomously using own initiative * Ability to work in and sustain others in a moderately pressured environment with occasional increased pressures * High degree of personal integrity and honesty with proven experience of working in an environment where confidentiality and discretion are paramount * Enthusiastic, highly motivated and committed to developing the service in the best interests of all users * Able to be assertive when necessary and remain calm in a busy environment * Able to work proactively and constructively, independently and within a multi-disciplinary team * Excellent communication and negotiation skills, IT literacy in word processing, keyboard and presentation skills * Credible clinician and able to work clinically * Proven organisational and planning skills * Knowledge of the Mental Capacity Act and Mental Capacity (Amendment) Act 2019 and the roles and responsibilities of the ‘Responsible Body’ | E  E  E  E  E  E  E  E  E  E |  |
| **OTHER REQUIREMENTS**  The post holder must demonstrate a positive commitment to uphold diversity and equality policies approved by the Trust.  Ability to travel between locations meeting time restraints and / or holds a valid driving licence and access to road worthy vehicle.  Ability to travel to other locations as required. | E  E  E |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | | **FREQUENCY**  **(Rare/ Occasional/ Moderate/ Frequent)** | | | |
| **WORKING CONDITIONS/HAZARDS** | | **R** | **O** | **M** | **F** |
|  | | | | | |
| **Hazards/ Risks requiring Immunisation Screening** | |  |  |  |  |
| Laboratory specimens | N |  |  |  |  |
| Contact with patients | Y |  |  |  | F |
| Exposure Prone Procedures | N |  |  |  |  |
| Blood/body fluids | Y | X |  |  |  |
| Laboratory specimens | N |  |  |  |  |
|  | | | | | |
| **Hazard/Risks requiring Respiratory Health Surveillance** |  |  |  |  |  |
|  | | | | | |
| Solvents (e.g. toluene, xylene, white spirit, acetone, formaldehyde and ethyl acetate) | N |  |  |  |  |
| Respiratory sensitisers (e.g isocyanates) | N |  |  |  |  |
| Chlorine based cleaning solutions  (e.g. Chlorclean, Actichlor, Tristel) | N |  |  |  |  |
| Animals | N |  |  |  |  |
| Cytotoxic drugs | N |  |  |  |  |
|  | |  |  |  |  |
| **Risks requiring Other Health Surveillance** | |  |  |  |  |
| Radiation (>6mSv) | N |  |  |  |  |
| Laser (Class 3R, 3B, 4) | N |  |  |  |  |
| Dusty environment (>4mg/m3) | Y | R |  |  |  |
| Noise (over 80dBA) | Y | R |  |  |  |
| Hand held vibration tools (=>2.5 m/s2) | N |  |  |  |  |
|  | | | | | |
| **Other General Hazards/ Risks** | |  |  |  |  |
| VDU use ( > 1 hour daily) | Y |  |  |  | F |
| Heavy manual handling (>10kg) | N |  |  |  |  |
| Driving | Y |  | O |  |  |
| Food handling | N |  |  |  |  |
| Night working | N |  |  |  |  |
| Electrical work | N |  |  |  |  |
| Physical Effort | Y |  | O |  |  |
| Mental Effort | Y |  |  |  | F |
| Emotional Effort | Y |  |  | M |  |
| Working in isolation | Y |  |  | M |  |
| Challenging behaviour | Y |  |  | M |  |