

## JOB DESCRIPTION

JOB DETAILS	
Job Title	Senior MCA Practitioner
Reports to	MCA/LPS Lead
Band	Band 6 – subject to the completion of job matching
Department/Directorate	MCA/LPS Team, Specialist Services

JOB PURPOSE
<p>To be part of the team who are responsible for overseeing the operational delivery of the Mental Capacity Act (2005) within the trust.</p> <p>To support staff to demonstrate and improve compliance with the Mental Capacity Act (2005). To provide effective clinical expertise for the implementation and management of Deprivation of Liberty Safeguards (DoLS) across the acute Trust</p> <p>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.</p> <p>To work closely with the MCA/LPS Lead to support implementation of the Liberty Protection Safeguards (LPS) across the trust. Acting under the direction of the Trust’s MCA/LPS Lead, as local clinical experts for all aspects around LPS and 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).</p>

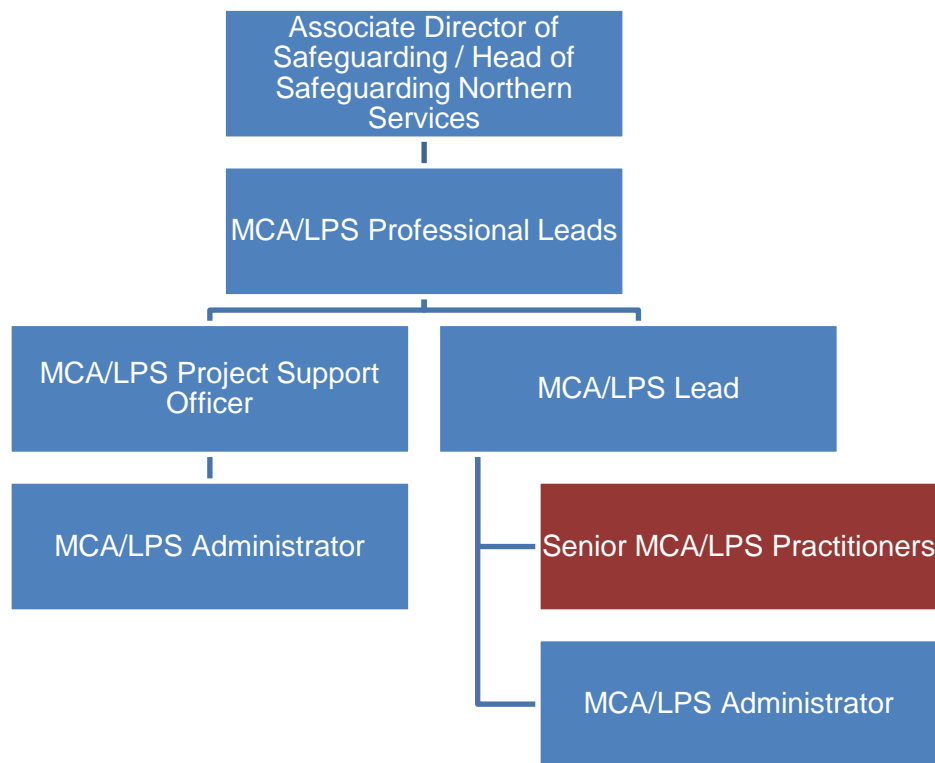
KEY RESULT AREAS/PRINCIPAL DUTIES AND RESPONSIBILITIES
<ul style="list-style-type: none"> <li>To be responsible for overseeing the operational delivery of the Mental Capacity Act (MCA) and in particular, the Liberty Protection Safeguards (LPS), ensuring that records are maintained and disseminated to the Care Quality Commission or other Body as required by Law.</li> <li>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.</li> </ul>

KEY WORKING RELATIONSHIPS				
<p>Areas of Responsibility: (type of work undertaken)</p> <p>No. of Staff reporting to this role: (If applicable)</p> <p>The post holder is required to deal effectively with staff of all levels throughout the Trust as and when they encounter 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.</p> <p>Of particular importance are working relationships with:</p> <table border="1"> <thead> <tr> <th>Internal to the Trust</th> <th>External to the Trust</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> <li>Safeguarding Team</li> <li>Named Doctor for Safeguarding Adults</li> <li>Learning and Development and Practice Education team</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>Torbay and Devon Safeguarding Adults Partnership / Sub Groups for MCA:</li> <li>New Devon Clinical Commissioning group (CCG) MCA/Lead and Safeguarding Team</li> </ul> </td> </tr> </tbody> </table>	Internal to the Trust	External to the Trust	<ul style="list-style-type: none"> <li>Safeguarding Team</li> <li>Named Doctor for Safeguarding Adults</li> <li>Learning and Development and Practice Education team</li> </ul>	<ul style="list-style-type: none"> <li>Torbay and Devon Safeguarding Adults Partnership / Sub Groups for MCA:</li> <li>New Devon Clinical Commissioning group (CCG) MCA/Lead and Safeguarding Team</li> </ul>
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- Dementia Specialist Nurse and Admiral Nurses
- Clinical leads and specialist teams
- Clinical Matrons, line managers and clinical staff within the Trust
- PALS Team
- Clinical Audit and Effectiveness team
- Risk Management Team
- Governance team
- Operational staff groups
- LPS/MCA Lead and Safeguarding Team
- Legal Department

- LPS Teams from other Health and Social Care Providers
- Devon Advocacy Consortium
- Devon Partnership Trust Learning Disability and Psychiatric Liaison Teams

## ORGANISATIONAL CHART



## FREEDOM TO ACT

- Works within codes of practice and guidelines (e.g. Scope of Professional Practice and Code of Conduct)
- Accountable for own professional action
- Senior Practitioner as part of MCA/LPS team
- 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.

## COMMUNICATION/RELATIONSHIP SKILLS

- 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 with MCA/ LPS, including supporting staff to identify appropriate patients; support onward referrals and completion of appropriate documentation.
- Be responsible for actively identifying areas of problems and risks, 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.

### **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.
- 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 trusts 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 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 MCA/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.
- 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 impact cross NDHT.
- 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 trusts 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

#### **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 development review of own work, suggesting areas for learning and development in the coming year.

#### **INFORMATION RESOURCES**

- Ensure clear, accurate and concise records are kept in accordance with all regulatory requirements including the GDPR and Data Protection Act.
- 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 NDHT policies, internal processes and procedures.

#### **RESEARCH AND DEVELOPMENT**

- To audit the use of the MCA within the Trust, preparing reports of any findings including highlighting good or poor practice. This is a gradual expectation of the role initially until LPS has been implemented.

## **PHYSICAL SKILLS**

- Using keyboard and computer equipment
- Use of telephone and MS Teams
- Accuracy of information
- Numerical skills, especially when undertaking audit.

## **PHYSICAL EFFORT**

This is largely a desk-based role, but will visit wards to see patients to complete assessment. Assessments can take some time to complete, and the post holder will therefore be required to sit for long periods of time where they may not be able to move at will.

## **MENTAL EFFORT**

Frequent requirement for concentration, interruptions will usually be in the form of new referrals which may need to be prioritised.

## **EMOTIONAL EFFORT**

Frequent exposure to highly distressing circumstances, hearing from the patient first hand, and dealing with the most vulnerable patients and contributing to the assessment of their liberty.

## **WORKING CONDITIONS**

The post holder may be subject to verbal and physical aggression, and will also be a VDU user.

## **OTHER RESPONSIBILITIES**

Take part in regular performance appraisal.

Undertake any training required in order to maintain competency including mandatory training, e.g. Manual Handling

Contribute to and work within a safe working environment

You are 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.

## **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.

Everyone within the Trust has a responsibility for, and is committed to, safeguarding and promoting the welfare of vulnerable adults, children and young people and for ensuring that they are protected from harm, ensuring that the Trusts Child Protection and Safeguarding Adult policies and procedures are promoted and adhered to by all members of staff.

# PERSON SPECIFICATION

<b>Job Title</b>	MCA/LPS Senior Practitioner
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Requirements	Essential	Desirable
<b>QUALIFICATION/ SPECIAL TRAINING</b>		
• 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		✓
<b>KNOWLEDGE/SKILLS</b>		
• 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 voluntary sectors	✓	
• Core IT skills	✓	
<b>EXPERIENCE</b>		
• 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		✓
<b>PERSONAL ATTRIBUTES</b>		

• 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 and Mental Capacity (Amendment) Act 2019 and the roles and responsibilities of 'Responsible Body'	✓	
<b>OTHER REQUIREMENTS</b>		
• 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.	✓	



		FREQUENCY			
		(Rare/ Occasional/ Moderate/ Frequent)			
WORKING CONDITIONS/HAZARDS		R	O	M	F
<b>Hazards/ Risks requiring Immunisation Screening</b>					
Laboratory specimens	N				
Contact with patients	Y				
Exposure Prone Procedures	N				
Blood/body fluids	N				
<b>Hazard/Risks requiring Respiratory Health Surveillance</b>					
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				
<b>Risks requiring Other Health Surveillance</b>					
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				
<b>Other General Hazards/ Risks</b>					
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	