



Mental Capacity Act

(Northern Ireland) 2016

MCA DoLS Update – August 2022

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1. Trust MCA Contact Details

Belfast	MCABelfast@belfasttrust.hscni.net
Northern	MCA.NHSCT@northerntrust.hscni.net
South Eastern	MCAsetrust@setrust.hscni.net
Southern	MCA.SHSCT@southerntrust.hscni.net
Western	MCA.WHSCT@westerntrust.hscni.net

2. Regional DoL Statistics (Inc. live updates) – Cumulative (Dec 2019 to 31 July 2022)

Trust	Trust Panel DoL Authorisations	Extension Authorisations	Live TP / Extension Cases (at Aug 2022)	Short Term Detention Authorisations	Live Short Term Detentions (at Apr 2022)
Belfast	1150	693	413	175	3
Northern	1824	2002	854	484	22
South Eastern	2035	1417	854	330	5
Southern	1474	994	608	533	11
Western	1056	674	559	56	7
Total	7539	5780	3288	1578	48

3. Regional Overview of Cases - referrals under MCA Section 48

Trust	Section 48 referrals (completed in July 2022)
Belfast	0
Northern	7
South Eastern	32
Southern	1
Western	1
Total	41

4. Training

The Department offers mandatory DoLS training on its website at: [Mental Capacity Act Training | Department of Health \(health-ni.gov.uk\)](https://www.health-ni.gov.uk/mental-capacity-act-training). DoH has worked with the Trust Training Group to undertake a review of these training packages and has produced enhanced training packages. Refreshed eLearning packages are currently in development with a specialist provider. The Department continues to work closely with the provider to ensure delivery of an exciting new package of online training, by the end of September.

Trusts can continue to provide their own training as set out in the Maintaining Competence and Confidence paper [\[link\]](#). Additional MCA information is available at www.health-ni.gov.uk/mca

5. Latest Developments

Rapid Literature Review – The Department has completed this short term project and has used the information to aid strategic planning for future MCA implementation.

Future MCA Implementation – The Department will progress with MCA implementation in a phased manner, with provisions relating to Independent Mental Capacity Advocates (IMCAs) being commenced in the next phase. DoH has organised a series of workshops with stakeholders/service users to gather feedback to assist in the development of co-produced IMCA training content.

The Department's MCA team can be contacted at: mcaimplementation@health-ni.gov.uk



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The following questions were asked at the MCA Q&A webinar on 18 January 2022. Additional FAQs can be found at [Mental Capacity Act FAQs | Department of Health \(health-ni.gov.uk\)](https://www.health-ni.gov.uk) which is updated regularly. If you have any queries you would like addressed please contact the MCA lead in your Trust.

Q - Tribunals and permanent lack of capacity - Many patients with dementia, learning disability or brain injury can be expected to not regain capacity. How can the DoLS system be adapted to minimise the unnecessary stress of tribunals for carer's and patients in such circumstances?

A - Very similar to E&W - angry family members. Important to emphasize to all that the process is not designed to cause distress to anyone but certain elements are required to ensure P's protection and appropriate checks and balances surrounding the deprivation of liberty.

NB - answer above represents the personal view expressed by Alex Ruck-Keene, QC - a renowned barrister specialising in the field of mental capacity and mental health law.

Q - Review Tribunal and DoL expiry - If a referral is made to the Review Tribunal and the DoL authorisation has expired while the case is with the Review Tribunal, does the Review Tribunal still have jurisdiction or is the referral void upon expiry of the DoL authorisation?

A - NI specific - section 51 - can't see how the RT has any jurisdiction in relation to an authorisation which no longer exists.

Q - Interface between Mental Health and Mental Capacity legislation - What are the key interface issues between the English Mental Health Act and Mental Capacity Act? Are there any lessons we could learn?

A - When MCA is fully implemented in NI, there won't be an interface. Until then, there will be tensions between the two areas - fighting in E&W for years. A patient who has both gangrene and schizophrenia - are they MHO or MCA? In reality, they are neither - they are just someone who needs help.

NI MCA is very clear - if MHO applies use this. For training people should recognise the underpinning criteria for detention i.e. is it MHO or MCA, and it is also important to have the ability to discuss how the pieces of legislation are different without 'fighting' over an individual patient.

Mental Capacity Act - Departmental Update

Collaborative working between Department of Justice, Trust and Attorney General Office colleagues to review the statutory processes of DoLS continues and progress on the agreed action plan gathers pace. These actions may lead to potential efficiency savings within the DoLS processes and MCAU officials are working with all key partners to test, implement and review these proposals, with a review meeting to be held in September 2022.

MCAU officials have recently revised the MCA website [\[link\]](#) where previous newsletters are and future versions of this newsletter will be published. MCAU will continue to circulate hyperlinked notifications when new versions or updated information is uploaded.

MCA Reference Group - this group of stakeholders has been re-established with approximately 200 members and MCAU will engage with all as future MCA implementation progresses. An updated Privacy Notice for the MCA Reference Group is available [\[here\]](#).

Joint Protocol to support Interagency Working - The Department is aware of the challenges service users and staff experience when a service user needs the support of the ambulance service and PSNI to convey them safely to hospital or their place of residence. The Strategic Planning and Performance Group are leading a multiagency working group to develop guidance to support all agencies in these situations. We look forward to the joint Protocol being finalised.