Melba Gomes

Melba Gomes is a social worker, and a Best Interests Assessor and was an Approved Social Worker, an Approved Social Worker Assessor and a Practice Teacher. She has worked with people presenting with high risks within single care coordinator arrangements, in an integrated mental health service.

She is rights focused, and therefore, believes that interference in people’s rights must have a legal basis. She is passionate about the Mental Capacity Act which puts the person at the centre of decision making, and calls professionals to challenge their unconscious bias, paternalistic behaviours and leanings towards welfarist interventions. To support professionals to understand how to apply the Principles of the Act in practice she has worked with Suzy Braye, Emerita Professor of Social Work, and Alex Ruck Keene, Barrister 39 Essex Street Chambers, to create an online resource which is available to preview here

<https://www.mmghealthandsocialcare.com>

Over the last 10 years, her work focus has been Safeguarding Adults, Mental Capacity and the Deprivation of Liberty Safeguards. She has worked in the local authority and in the health services.

She has attended the Court of Protection to represent that Local Authority in S21a challenges. She has conducted Safeguarding Adults Reviews.

She has been commended by service users for her empathy, by fellow professionals for her thoroughness in casework, by lawyers and judges for her rights focussed DoLS services and by Safeguarding Adults Boards for the simplicity with which she conveys issues making them accessible to all, easy to understand and engage with.

Abstract

Presentation Title: Issues of mental capacity, choice and autonomy when working with people who self-neglect, and who resist services

Focus: Balancing individual rights to self-determination with our statutory duties to manage risk and safeguard adults who have needs for care and support

Presentation Style: Slides, Videos and Case Study

Bringing together the learning of the day through a case study, encompassing opportunities available to work with people who self neglect or refuse services, including an understanding of how to use the Mental Capacity Act

Melba Gomes

MMG Health and Social Care Consultancy and Training Ltd

Adults are autonomous and make their own decisions! Sometimes these decisions do not make sense to us as professionals; why would someone put themselves at such risk? Our protective impulse is to conclude that the person cannot be making a capacitated decision and therefore, to intervene to protect them. Fact is they are not us and this is not our life, it is their life; their approach to dealing with circumstances that they find themselves in stems from their own upbringing, culture, subculture, social and economic position, personal experience, and the sense they have made of all this. We do not have to like it; we have to appreciate them, their difference, and utilise their strengths to support change.

Many a time we do find ourselves in a position where the risks that an individual takes could result in serious harm, and even death. We cannot save everyone, but we will need to defend our position; and we can only do that if we can demonstrate that we have considered every tool available to us, as a single profession and across agencies, to support change and to manage the risk.

When it comes to the Mental Capacity Act, we should know to apply the principles, undertake valid capacity assessment and make best interests decisions using the checklist, including applying proportionate responses, and even taking risks where on balance a person’s emotional well-being is of greater importance to the person than their physical safety

Legal literacy is key to working with people who are at risk of serious harm, and who refuse services