

# Decision Making and Mental Capacity

## Implementing the National NICE Guideline

Monday 14 January 2019 De Vere W1 Conference Centre, London

10% card payments discount\*  
15% group booking discount\*\*



### Chair and Speakers Include:

**Prof Wayne Martin**  
*Professor of Philosophy*  
University of Essex

**Alan Eccles CBE**  
*Public Guardian and*  
*Chief Executive*  
The Office of the Public Guardian

**Baroness Finlay of Llandaff**  
*Chair*  
National Mental Capacity Forum

### Supporting Organisations



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## Implementing the National NICE Guideline

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The NICE Guideline on Decision-making and mental capacity (NG108) was published on 3rd October 2018.

This conference focuses on implementing the 2018 NICE Guideline on Decision Making and Mental Capacity and improving the implementation of the Mental Capacity Act in Practice in line with the new recommendations.

*“There are growing numbers of people in England and Wales, estimated as around 2 million, who may lack capacity to make decisions for themselves because of illness, injury or disability. There are also concerns about variations in quality, consistency and availability of support to facilitate decision making. The new NICE guideline, Decision making and mental capacity, suggests ways to help people make decisions and maximise personal autonomy. It applies to a range of decisions including care, treatment, financial matters, day-to-day living and emergencies. It includes recommendations on advance care planning, which helps people plan future care when they lose capacity. NICE also makes recommendations for training and support for staff, interventions to improve decision-making capacity, advocacy and support for decision-making, and mental capacity assessment tools... The new NICE guideline comes at a time of imminent reform in the law as the Mental Capacity Act amendment Bill is scrutinised by parliament. While it will make some reforms, the empowering ethos and core principles originally introduced by the 2005 Act will continue. People should be supported to make decisions for themselves when they have the mental capacity to do so, and to remain at the centre of the decision-making process when they do not.”*

Nageena Khalique QC, barrister and chair of the committee for the NICE guideline on Decision making and mental capacity, 3 October 2018

### Benefits of attending:

This conference will enable you to:

- Network with colleagues who are working to improve practice in decision making and mental capacity
- Understand the national context and implications of the October 2018 NICE guidance
- Develop your skills in supporting people to make their own decisions where they have the capacity to do so
- Understand how to effectively keep people who lack capacity at the centre of the decision-making process
- Improve your understanding of the legal framework Moving from Deprivation of Liberty Safeguards to Liberty Protection Safeguards & Implementation of the 2018 Mental Capacity (Amendment) Bill
- Meet the new standards with mental capacity assessments
- Improve your skills in Best Interests Assessment under the New NICE Guidance
- Improve advance care planning practice including condition specific care planning
- Ensure adherence and monitoring against the new standards in your service
- Self assess and reflect on your own practice
- Gain CPD accreditation points contributing to professional development and revalidation evidence

Follow the conference on Twitter #MCANICE

## 10.00 Chairman's Introduction

### Professor Wayne Martin

Professor of Philosophy  
University of Essex

## 10.10 Improving implementation of the Mental Capacity Act at a local level

### Baroness Finlay of Llandaff

Chair  
National Mental Capacity Forum

- an update from the National Mental Capacity Forum
- identifying and driving local actions to improve awareness
- making possible improved outcomes and benefits for individuals who may (or may in the future) lack mental capacity

## 10.40 How can we better support and involve people who lack capacity?

### Alan Eccles CBE

Public Guardian and Chief Executive  
The Office of the Public Guardian

- how can we better support and involve people who lack capacity?
- the role of the Office of the Public Guardian in protecting people who may not have the mental capacity to make certain decisions for themselves
- moving forward

## 11.10 Questions & answers, followed by coffee & exhibitions at 11.25

## 11.50 EXTENDED SESSION: Legal issues and update

### Simon Robinson

Barrister & Accredited Mediator  
Five Paper Chambers

- capacity, best interests and third party involvement in decision making
- advance decisions: legal issues
- the MCA and the MHA
- when does a restriction become a deprivation of liberty? Looking forward to a revised system for DoLS: where are we now?
- when to use independent mental capacity advocates
- ensuring good practice

## 12.50 Questions & answers, followed by lunch & exhibitions at 13.00

## 13.50 EXTENDED SESSION: Mental Capacity Assessment - Key Principles and Big Issues

### Andy Butler

Principal Social Worker (Adults)  
Surrey County Council

- key principles and provisions of the Mental Capacity Act
- legal literacy
- risk assessment and best interests
- the 'Big Issues!' 'Accommodation Moves'; 'Wishes and Feelings'
- implications of the Law Commission MCA Proposals & Revised National Framework for NHS Continuing Healthcare (Implementation Date: 1 October 2018)
- implementing the NICE Guideline recommendations: what has changed?

## 14.35 EXTENDED SESSION: Best Interests Assessment under the October 2018 NICE Guidance

### Professor Wayne Martin

Professor of Philosophy  
University of Essex

- using the provisions of the Mental Capacity Act to make decisions for a person who has been assessed as lacking mental capacity to make that specific decision for themselves
- strategies for maximising the participation of that person in the decision-making and considering their wishes values and beliefs

## 15.20 Questions & answers, followed by coffee & exhibitions at 15.30

## 15.45 Law Reform and Decision Making at the End of Life

### Dr Victor Pace

Consultant in Palliative Medicine  
St Christopher's Hospice

- The Mental Capacity Act and Liberty Protection Safeguards: implications for care at the end of life
- implications for palliative practice
- the new NICE guidance and end of life care

## 16.15 Implementing the October 2018 NICE recommendations and monitoring progress in implementation in practice

### Betsey Lau-Robinson

Head of Safeguarding & the MCA  
UCLH NHS Foundation Trust

- monitoring adherence to the NICE guideline
- changing culture and practice
- our experience

## 16.45 Questions & answers, followed by close

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## How to book

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## Conference Documentation

I cannot attend the conference but would like to receive a PDF containing the conference handbook material, which includes speaker slides, at £49 each.

The PDF will be emailed out after the conference, please fill in the 'Your Details' section above, ensuring your email address is clear and the 'Payment' section..

For more information contact Healthcare Conferences UK on **01932 429933** or email [jayne@hc-uk.org.uk](mailto:jayne@hc-uk.org.uk)

### Venue

De Vere West One Conference Centre, 9-10 Portland Place, London, W1B 1PR. A map of the venue will be sent with confirmation of your booking.

Date Monday 14 January 2019

### Conference Fee

- £365 + VAT (£438.00) for NHS, Social care, private healthcare organisations and universities.  
 £300 + VAT (£360.00) for voluntary sector / charities.  
 £495 + VAT (£594.00) for commercial organisations.

The fee includes lunch, refreshments and a copy of the conference handbook. VAT at 20%.

### \*Credit card Discount

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### \*\*Group Rates

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