

JOB TITLE Consent to Treatment Advanced Practitioner

BAND 7

Job Summary

1. Act as lead specialist with delegated operational responsibility for support, governance and improvement activities relating to consent to treatment legislation and caselaw across Hywel Dda University Health Board, on behalf of the Head of Consent and Mental Capacity. This will include application of the Mental Capacity Act (MCA) in circumstances where a patient lacks capacity to consent to treatment. They will champion a culture of high quality clinical practice in relation to consent to treatment across Hywel Dda University Health Board; improving the patient’s experience and aiming to reduce the frequency of clinical incidents, complaints and litigation in this area.
2. The postholder will be an expert practitioner in application of the law relating to consent to treatment (for adults and children), including refusal of consent, and relevant aspects of the Mental Capacity Act (for those who lack capacity to consent to treatment). They will provide health board-wide advice, support, training and expertise in the practical application of consent law to health professionals and managers. They will be responsible for relevant policy and consent form development, updates and implementation, and other quality improvement initiatives. They will use clinical audit to monitor consent processes on an annual basis, and report to Welsh Risk Pool as required.
3. The post holder will work autonomously, with minimal supervision. They will interpret and apply relevant national health policy and legislation within their role and advise the Head of Consent and Mental Capacity on the required content for a number of health board policies relating to consent to treatment (based on national policy and legislative requirements). They will implement and monitor these policies across the health board.
4. The post holder will provide assurance to the Board, through the MCA & Consent Group, that appropriate systems and processes are in place to manage consent to treatment issues in line with national guidance and legislation. They will collaborate with health colleagues across Wales, Welsh Risk Pool and Welsh Government consent leads to support effective consent practice across Wales.

Responsible to

Reporting: Head of Consent and Mental Capacity

Accountable: Head of Consent and Mental Capacity

Professionally: Head of Consent and Mental Capacity

Responsibilities and Duties

Service Management

1. Use highly developed specialist knowledge and understanding to support health professionals and managers to realise the successful implementation of consent to treatment law, mental capacity legislation, and national policy in relation to adults, children and those who lack capacity to consent for themselves. This includes:
 - a. Providing expert practical advice, support and training to healthcare professionals in obtaining valid informed consent to treatment for adults and children.
 - b. In cases where a patient may lack capacity to consent to treatment, provide advice to enable healthcare professionals to competently complete the required assessments and document these within Form 4: Treatment in Best Interests
 - c. to ensure the persons rights are upheld.Some of these cases may be particularly complex. Others may be urgent in nature, requiring the post holder to provide a decisive response as to the appropriate course of action in an ongoing clinical situation. In some circumstances, input from the Mental Capacity Advanced Practitioners or the health board's Legal Services Department may be appropriate.
2. Contribute to investigations of consent related clinical incidents reported via Datix, providing expert advice, support and training where required.
3. Contribute to national consultations on relevant legislative changes, and other consent to treatment related issues, on behalf of the health board.
4. Interpret highly complex NHS policy, legislation and caselaw in relation to consent to treatment and relevant mental capacity issues, in order to advise the organisation regarding action required and develop relevant local policy.
5. Use highly developed specialist knowledge to contribute to any updates of the *All Wales Consent to Examination and Treatment Policy* and the *All Wales Consent Forms*. Follow required governance processes to arrange adoption by the health board. Develop, update and implement Hywel Dda UHB locally produced procedure specific consent forms.
6. Use specialist expertise to:
 - develop and update health board consent to treatment policies and procedures where required, and ensure effective implementation to support practical application.
 - ensure consent details included in clinical policies are legally accurate and appropriate.

7. Be an active contributing member of the health board's MCA & Consent Group, providing reports, quality improvement updates and national policy updates on issues relating to consent to treatment. Attend and contribute to other relevant committees as required.
8. Ensure risks relating to consent to treatment are added to the MCA & Consent Group risk register and alert the Board to significant risks via the Risk Register.
9. Represent the health board on the national Welsh Risk Pool Consent to Examination and Treatment Group, making contributions as required, reporting back to the health board MCA & Consent Group and integrate this knowledge within the organisation.

Improvement and Monitoring

10. Plan, structure and implement a programme of service improvement in relation to consent to treatment and related mental capacity issues, in order to improve the patient's experience and reduce the frequency of clinical incidents, complaints and litigation in these areas. Use clinical audit or service evaluation to assess the impact of service improvements.
11. Coordinate any service changes required in response to emerging legislation and caselaw.
12. Coordinate and implement any new consent related national initiatives which arise e.g. collaborate with the Patient Experience Manager to implement and maintain the new EIDO platform being commissioned by Welsh Risk Pool. This will make the national EIDO leaflets and locally produced patient information accessible to staff through the same online platform, ensuring patients are provided with the most appropriate information to support the consent process.
13. Use highly developed specialist knowledge to develop and implement nurse/therapist led consent in relevant specialties across the health board. This will include provision of focused consent training, and implementation of a formal competency assessment process.
14. Use expertise to support the implementation of new national developments such as digital consent.
15. Using change management skills, work to increase health professionals understanding of the role of the Independent Mental Capacity Advocate (IMCA) in relation to serious medical treatment for those who lack capacity, and increase the appropriate use of this important service across the health board.
16. Support clinical teams to identify and implement the relevant learning from clinical situations where consent law has not been consistently applied.
17. Collaborate with external partners on the delivery of joint service developments in relation to consent to treatment.

18. Commission or undertake clinical audit, evaluations and quality improvement activities which contribute to the monitoring of implementation of consent across the health board. Interpret the findings, formulate potential solutions and make recommendations as to the best course of action. Obtain MCA & Consent Group approval for the annual audit plan, register audits on AMaT and communicate the plan to the Clinical Audit Department. Report findings and recommendations to the MCA & Consent Group.
19. Respond, on behalf of the health board, to the Welsh Risk Pool review of consent processes via the WRP Consent to Treatment Standard. Gather, complete and submit the required information and relevant evidence. Respond to the subsequent WRP report and recommendations, ensuring any required actions are implemented and outcomes reported back to WRP and the MCA & Consent Group.
20. Where they relate to consent to treatment, respond to Welsh Risk Pool Risk Management Alerts and HIW inspections, ensuring that timely evidence is provided and reports and feedback are submitted.
21. Use specialised knowledge and understanding to interpret, critically analyse and apply complex consent law, and relevant published literature to ensure safe, effective, evidence-based practice within the organisation.

Personal and People Development and People Management

22. Be responsible for planning, devising, organising and providing high quality consent to treatment training for managers and multidisciplinary health professionals across the health board, ensuring that complex issues are presented in a range of formats and in an easily digestible way. In addition to delivery of broader consent training, specific/focused training may be required in certain situations.
23. Provide induction training for new staff, in relation to consent to treatment and relevant mental capacity issues. Ensure training for new staff from overseas is specifically targeted to help them understand the differences in the law in the UK.
24. Actively promote and encourage staff to complete the mandatory Welsh Risk Pool e-learning programme '*Decision Making and Consent in Wales*', in order to improve consent practice, and meet WRP compliance targets. Work with WRP to contribute to updates of the e-learning programme following developments in case law.
25. Participate in peer supervision and assessment with departmental colleagues. Constructively critique each other's practice in order to quality assure all aspects of the role. Also participate in regular high quality peer supervision via Swansea University in order to keep up-to-date with emerging legislation and case law and exchange learning from experience opportunities.

Communication

26. Use a range of communication techniques to engage staff, and to communicate clearly, professionally and confidently with managers, health professionals and relevant committees, at all levels across the health board. Well-developed communication skills and emotional sensitivity will be particularly important:

- a) when communicating complex, challenging or contentious information;
 - b) in distressing or emotional circumstances when explaining to staff that they may have acted unlawfully in situations where there has been a breach of health board policy and/or the law in relation to consent to treatment;
 - c) when imparting distressing or unwelcome news to patients, families or carers where there has been a consent related incident.
27. Establish collaborative relationships with key stakeholders at all levels within the health board, within other trusts and health boards, relevant Welsh Government departments, Welsh Risk Pool, the three local authorities, and Swansea University.
28. Report compliance with the mandatory Welsh Risk Pool e-learning programme '*Decision Making and Consent in Wales*' to the MCA & Consent Group and WRP.
29. Develop and maintain the health board's consent to treatment webpages, ensuring that they provide staff with useful and up-to-date information.
30. In collaboration with the Communications Department and Medical Photography Department develop promotional materials (e.g. posters, global emails, social media content) where required, to provide staff with information about consent related service changes or improvements.
31. When representing the health board on the All Wales Consent to Treatment Group, develop partnerships, share best practice and integrate this knowledge within the organisation.
32. Use highly developed negotiation skills and tact (in potentially challenging situations) to encourage adoption of best practice where significant variation in practice is identified and there is resistance to change or significant disagreement. Communicate in a manner that will neither offend nor antagonise. Where necessary, present such contentious information to large groups of staff who may have mixed or conflicting interests.

Finance and Resources

33. Support the Head of Consent and Mental Capacity in establishing spending priorities and ensuring the departmental budget is effectively utilised.
34. In the absence of the Head of Consent and Mental Capacity, share deputising responsibilities on a rotating basis with the Mental Capacity Advanced Practitioners in relation to approving travel expenses, leave requests etc.

Information Processing

35. Regularly use a range of computer software (such as Excel or other data management tools) to collect, input, analyse, manage and interpret data, when undertaking clinical audit or other quality improvement activities relating to consent to treatment.
36. Regularly present consent related data on a range of subjects, from a variety of sources to relevant committees (particularly the MCA & Consent Group), managers, health professionals and external organisations in a professional manner, using clearly presented written reports/ documents and PowerPoint. Ensure complex information is presented in a straightforward manner.
37. Use highly developed evidence-based practice skills to identify the most appropriate sources of evidence and devise and perform searches of on-line databases to access legislation, case law and best practice guidance relating to consent to treatment. Appraise its content to identify and assess its impact on clinical practice.
38. Ensure robust record keeping that meets with statutory data protection and information governance requirements.
39. Keep up-to-date secure records of support and advice given in relation to practice issues, in order to inform the MCA & Consent Group of any trends or concerns. Use these records to contribute to monitoring of compliance with consent to treatment requirements.
40. Produce minutes of relevant meetings where required.

PERSON SPECIFICATION

Qualifications and Knowledge

Essential

A relevant professional clinical qualification or equivalent experience, qualifications and knowledge, e.g. qualifications and experience in advocacy, legal practice, etc.

Master's degree or equivalent relevant experience.

Excellent knowledge and understanding of legislation and caselaw relating to consent to treatment and mental capacity.

Knowledge and understanding of the healthcare environment.

Knowledge and understanding of data protection legislation.

Desirable

An understanding of key processes within the hospital care pathway relating to consent to treatment.

A developed awareness and understanding of human rights caselaw.

An understanding of the role and application of the Court of Protection.

A sound appreciation of issues in relation to equality, discrimination, disability and protection of vulnerable adults.

Experience**Essential**

Previous experience in relation to consent to treatment and the application of the Mental Capacity Act.

Experience of working within a healthcare setting.

Extensive experience of developing and delivering training.

Clinical audit or quality improvement experience.

Track record of achievement and task completion.

Experience and competency in use of IT (including competence in using Excel, Word and PowerPoint) and patient information systems.

Desirable

Practical experience working in an advisory capacity in relation to the law relating to consent to treatment, and the application of the MCA and/or human rights issues.

Experience of inter-agency working.

Project or change management experience.

Policy development experience.

Skills and Attributes

Essential

A strong person-centred values base.

Able to work autonomously and make complex or decisive judgements, sometimes in urgent situations.

Able to readily understand new and complex subjects and willing to improve and develop competencies relevant to the post.

An aptitude for developing and delivering high quality training programmes.

An aptitude for clinical audit or quality improvement, including the ability to analyse numerical data and produce high quality written reports.

An ability to interact confidently in a multi-professional environment and communicate complex, sensitive or contentious information with clarity and empathy.

Organised with good attention to detail and proven ability to prioritise and achieve work within required time scales.

Desirable

A proven interest in and commitment to implementation of consent law and the MCA in clinical practice.

An aptitude for the design, layout and formatting of Word documents to produce professional looking documents and forms.

Other

Essential

Able to travel across the Health Board area and to external meetings.

A flexible approach to the needs of the service according to the demands of the post.

Desirable

Welsh Speaker (*Level 1*)

Listening/Speaking: Pronounce Welsh words, place names, department names, etc. Greet and understand a greeting. Use basic every day words and phrases, e.g. thank you, please, excuse me, etc. Understand / pass on simple verbal requests of a routine / familiar / predictable kind using simple language, e.g. 'May I speak to...'. State simple requests and follow up with extra questions / requests in a limited way.

Reading/Understanding: Understand simple key words and sentences on familiar / predictable matters relating to own job area, e.g. on signs, in letters.

Writing: Fill in simple forms, note down simple information, e.g. date and venue of a meeting, Welsh address, etc.