

## JOB DESCRIPTION

### JOB DETAILS

<b>Job Title:</b>	Mental Capacity Advanced Practitioner
<b>Pay Band:</b>	Band 7
<b>Directorate:</b>	Operations
<b>Department:</b>	Consent and Mental Capacity Department

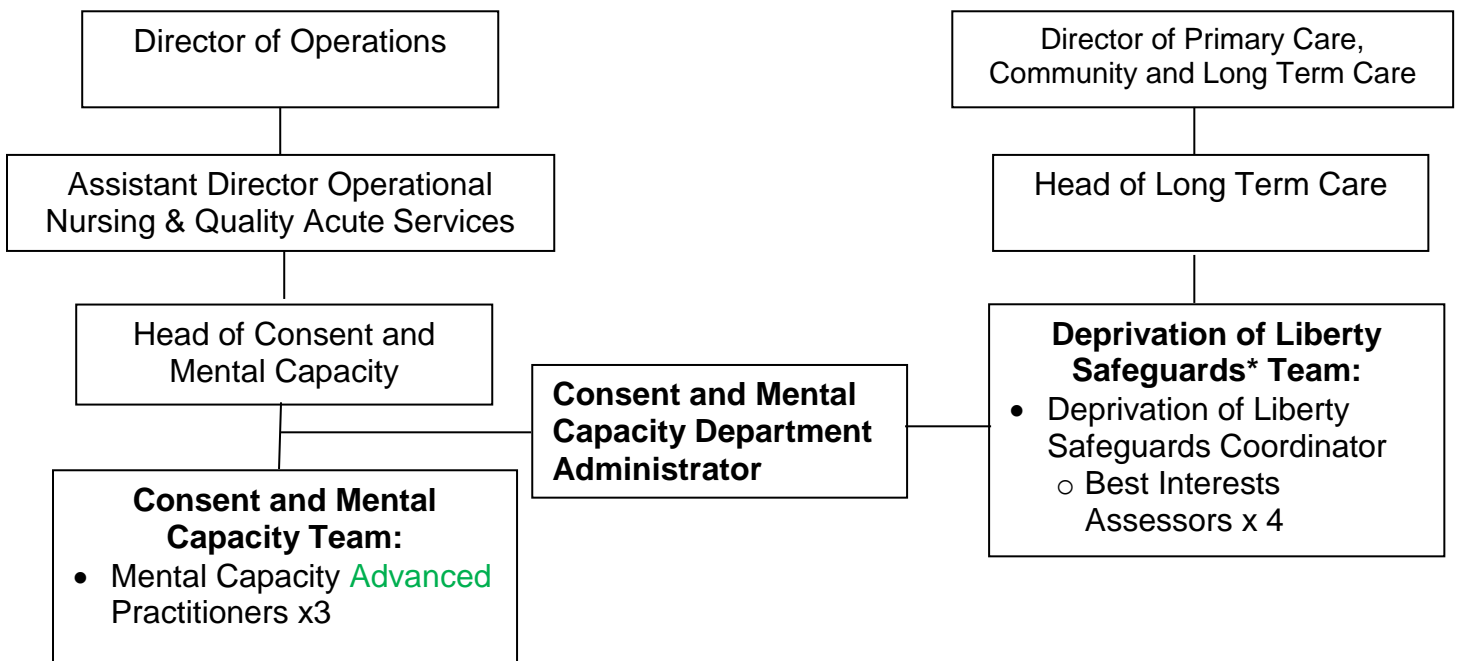
### ORGANISATIONAL ARRANGEMENTS

**Managerially Accountable to:** Head of Consent and Mental Capacity

**Reports to:** Head of Consent and Mental Capacity

**Professionally Responsible to:** Head of Consent and Mental Capacity

**Organisation chart:**



## **JOB SUMMARY / PURPOSE**

As one of three operational leads for the Mental Capacity Act (MCA), the post holder will assist the UHB in achieving compliance with Mental Capacity Act (2005), the Mental Capacity [Amendment] Act (2019), and other related legislation and case law. This post has been established so that the Board can be assured that all possible means have been used to increase awareness and application of this important piece of legislation.

The Mental Capacity Advanced Practitioner will be an expert practitioner in all aspects of MCA legislation and case law, providing advice, expertise and support to health professionals and managers in relation to implementation and application of the MCA. They will develop and provide training and awareness raising activities for clinical staff across the UHB. This will include development of promotional material and educational resources to support staff in the application of the Mental Capacity Act.

In order to meet legislative requirements the Mental Capacity Advanced Practitioner will develop and embed systems and processes to support staff with capacity assessments, best interests meetings and other MCA requirements. They will support applications to the Court of Protection where appropriate.

The post holder will develop, implement and monitor the impact of an MCA implementation strategy and any related policies and procedures.

The post holder will work autonomously, with minimal supervision. They will interpret health policy and provide advice on how this should be interpreted and implemented within the organisation. They will collaborate with health and social care colleagues across Wales, the Welsh Government MCA Lead and the higher education sector to ensure effective implementation of MCA legislation across Wales.

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## **MAIN DUTIES AND RESPONSIBILITIES**

### **Service Management**

1. Be a lead specialist for the Mental Capacity Act 2005 (MCA) within Hywel Dda University Health Board, working autonomously, within broad professional and organisational policies, to achieve objectives.
2. Be responsible for interpreting often complex Mental Capacity Act legislation and case law and provide advice to the Head of Consent and Mental Capacity, the Executive lead for the MCA, and the Mental Capacity and Consent Group.
3. Lead and direct the delivery of MCA legislative requirements across the UHB to ensure the effective protection of patients who may lack decision making capacity.
4. Have a full understanding of the Deprivation of Liberty Safeguard scheme, and its replacement; the Liberty Protection Safeguards. Support effective implementation of the latter.
5. Have a good knowledge of the Mental Health Act (MHA) in order to address complex issues at the interface between the MCA and the MHA.
6. Provide assurance to the Board, through the MCA and Consent Group, that appropriate systems and processes are in place to increase awareness and application of the MCA across Hywel Dda University Health Board.

7. Contribute to, and prepare papers for, the UHB MCA and Consent Group.
8. Establish, chair and/or contribute to any other necessary committees or task and finish groups, as required by the Head of Consent and Mental Capacity.
9. Identify and advise the MCA and Consent Group and the Board of any new MCA case law or legislation which has implications for the UHB.
10. Use highly developed specialist knowledge of the Mental Capacity Act, deprivation of liberty legislation, the Mental Health Act, Human Rights legislation, Adult Protection guidance and other relevant legislation and related case law to provide detailed advice to health professionals and managers in relation to patient specific queries, and ensure the supply of high quality, appropriate and clinically relevant support within the UHB.
11. Use highly developed specialist knowledge to ensure decisions are made in the best interests of patients who lack capacity including;
  - assist with, or where necessary undertake, complex capacity assessments in relation to care and residence decisions;
  - provide advice and support to doctors in relation to complex capacity assessments for clinical decisions, and where necessary undertake joint assessments;
  - chair complex Best Interests Meetings in order to ensure robust decisions are made for vulnerable patients;
  - support applications to the Court of Protection, producing Section 49 reports where appropriate.
12. Analyse and assess conflicting information where expert opinion may differ, relying on judgement and critical thinking to provide appropriate advice.
13. Deal with challenging situations when attempting to persuade staff to change clinical practice, in situations where there is disagreement.
14. Interpret highly complex legislation, case law and Welsh Government requirements in relation to the Mental Capacity Act 2005, in order to develop and update UHB strategy and policy. In particular:
  - Produce an MCA Implementation Strategy and provide reports to the MCA and Consent Group in relation to progress with its implementation.
  - Develop or contribute to the development of other policies which have a significant MCA component.
  - Ensure that relevant new UHB clinical policies are reviewed prior to approval to ensure that they are compliant with the Mental Capacity Act.
15. Have an excellent knowledge of UHB policies and procedures relevant to the post holders area of work.
16. Plan and prioritise own work to ensure effective support to all areas and delivery of key objectives. Be able to adapt to changing priorities and issues that require urgent action.

### **Service Improvement**

17. Utilise judgment skills to interpret clinical practice situations where the MCA applies, formulate potential solutions and make recommendations to the clinical team as to the best course of action.

18. Implement a process in conjunction with the Claims and Complaints staff, whereby claims or complaints which relate to MCA issues can be readily identified and appropriate action taken.
19. Contribute to investigations of serious clinical incidents which relate to mental capacity issues.
20. Develop service improvement methodologies in relation to MCA issues, so that services can be improved.
21. Support clinical teams to identify and implement the relevant learning from clinical situations where the MCA has not been consistently applied.
22. Collaborate with external partners on the delivery of joint service developments in relation to MCA.

### **Communications**

23. Provide verbal and written assurance to the Board, through the MCA and Consent Group (which reports into the Quality and Safety Committee structure), that appropriate systems and processes are in place to help the UHB achieve compliance with the legislative requirements of the MCA. Alert the Board to significant risks via the Risk Register.
24. Establish a high profile for the MCA across the UHB.
25. Represent the UHB at regional and national levels in relation to the Mental Capacity Act; attending meetings, developing partnerships, sharing best practice and integrating this knowledge within the organisation.
26. Develop an internal approach to communication regarding MCA issues, using a range of communication techniques to effectively engage staff within all professional groups and at all levels within the organisation, and promote communication of MCA issues across the UHB. This will include the development and management of an MCA website. Ensure equitable communication across the three counties.
27. Use highly developed negotiation skills and tact (in potentially challenging situations) to encourage adoption of best practice and compliance with legislative requirements where there is resistance to change or significant disagreement. Communicate in a manner that will neither offend nor antagonise. Where necessary, present contentious information to large groups of staff who may have mixed or conflicting interests.
28. Be responsible for communicating (verbally and in writing) highly complex and highly contentious information, particularly where there has been a breach of MCA legislation. This will require excellent interpersonal and communications skills.
29. Communicate key issues relating to local implementation of MCA legislation to senior management, committees and professional groups, ensuring key people are fully informed.
30. Represent the interests of the UHB on the All Wales MCA/LPS Network and other relevant national groups, promoting collaborative working and sharing of best practice.

31. Establish effective communication and collaborative relationships with key individuals within the health board and relevant partner agencies.
32. Liaise with the Communications Department on all MCA matters which may attract media attention.

### **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, deputise in relation to signing travel expense claims etc, for other staff within the Consent and Mental Capacity Department.

### **Personal and People Development and People Management**

35. Participate in high quality peer supervision and assessment with Mental Capacity Advanced Practitioner colleagues. Constructively critique each other's practice in order to quality assure all aspects of the clinical role.
36. Participate in regular peer supervision via Swansea University in order to keep up-to-date with emerging legislation and case law.
37. Have an awareness of relevant health board Workforce policies.
38. Deputise for the Head of Consent and Mental Capacity during annual leave or other periods of absence.
39. Prepare for and take an active part in the PDR and professional revalidation process in accordance with organisation policy in partnership with the Head of Consent and Mental Capacity. Identify opportunities to develop own competence/own skills in order to achieve objectives. Undertake training as required in order to maintain the skills required for the post. Ensure completion of all required mandatory training.
40. Be responsible for keeping up-to-date, undertaking all relevant health board mandatory training.
41. Be responsible for devising and providing specialist training (including the 'Essential' MCA training programme) in a range of formats, for managers and health professionals, in relation to the Mental Capacity Act. Ensure that highly complex issues are presented in an easily digestible format.
42. Participate in the development and updating of the All Wales MCA e-learning programme and promote its use by health professionals and managers.
43. Provide induction training for new staff in relation to the Mental Capacity Act.
44. Contribute to the development of, and lecture on, the Swansea University Masters level Capacity Assessment module. Assess students in the field whilst they complete the practical component of the course. Recruit students for the course from within Hywel Dda UHB, shortlisting applicants and supporting them in making their applications for financial support.
45. Establish a support structure for health professionals who have completed the Masters level Capacity Assessment module at Swansea University to ensure that their skills remain up to date. Maintain an ongoing mentoring and supervisory role in order to

promote their ongoing development.

### **Information Processing**

46. Regularly produce complex reports and presentations, incorporating relevant data, based on a range of information from a variety of sources in relation to the MCA. Write and present reports to the MCA and Consent Group, and other groups or committees as required.
47. Develop and maintain an MCA database to record and monitor all MCA Team activity within the health board. Ensure robust record keeping that meets with statutory data protection and information governance requirements.
48. Keep up-to-date secure records of support and advice given in relation to practice issues, in order to inform the MCA and Consent Group. Use these records to contribute to monitoring of compliance with the MCA legislation.
49. Be responsible for ensuring that compliance with the MCA is monitored and develop strategies for improving areas of poor compliance.
50. Use evidence based practice skills to identify the best sources of evidence and to devise and perform searches of online databases to up-to-date case law, legal reviews and best practice guidance.
51. Apply significant mental effort during prolonged periods of intense concentration on a regular basis in relation to understanding and interpreting highly complex MCA legislation and case law, and make judgments about how they apply within the UHB.
52. Ensure the proactive collation of relevant evidence and information to support the UHB's response to relevant Standards for Healthcare in Wales.
53. Ensure confidentiality and application of the Data Protection Act, General Data Protection Regulations and the Freedom of Information Act within sphere of responsibility including safe and secure storage of patient identifiable information.
54. Develop and maintain the health board's MCA webpages, ensuring that they provide staff with useful and up-to-date information.
55. Regularly use a range of computer software to create and disseminate reports and documents for relevant managers, committees, health professionals and external organisations.
56. Utilise key board skills in the production of reports, accessing computer based information, and data input where required.

### **Health, Safety and Security**

57. Advise the health board of any significant risks arising through failure to implement the MCA.
58. Ensure systems are in place to protect the legal rights of patients who lack capacity to make decisions for themselves, through appropriate application of the Mental Capacity Act.
59. Act within legislation, policies and procedures relating to information governance.

60. Attend statutory/mandatory training.
61. Be responsible for ensuring the Health & Safety policies and procedures are implemented in their designated area of responsibility.
62. Ensure appropriate positioning of workstation due to regular use of a VDU and being seated for prolonged periods of time.

### **Quality**

63. Use well developed numeracy and analytical skills to commission or undertake effective evaluations and clinical audit which contribute to the monitoring of implementation of the MCA across the UHB.
64. Use specialised knowledge and understanding to interpret, critically analyse and apply complex MCA legislation and relevant published literature to ensure safe and effective implementation of the MCA within the organisation.
65. Use specialised knowledge and experience of the MCA, LPS and Mental Health Act to provide professionals with the support required to apply this legislation in clinical practice.

### **Equality and Diversity**

66. Ensure that equality and diversity issues are recognised and addressed in accordance with legislation, policies and procedures.
67. Actively promote equality of opportunity and diversity in own area of responsibility. It is intended to go beyond compliance with equality legislation and move towards a situation where there is awareness in your area of and active commitment to the need to ensure equality of opportunity and the benefits of diversity.

### **Effort and Environmental**

68. Emotional effort will be required in relation to:
  - Occasional exposure to highly distressing or highly emotional circumstances when imparting unwelcome news and explaining to patients, families or carers e.g.:
    - that a patient has been assessed as lacking capacity to make decisions about necessary care or treatment;
    - that the outcome of a best interests decision making process may be at odds with their expressed wishes;
    - informing family and friends that a person has been found to have capacity to refuse life sustaining treatment or to return to living in risk-fraught situations.
  - Occasional exposure to highly distressing or highly emotional circumstances when explaining to staff that they may have acted unlawfully in relation to mental capacity or deprivation of liberty legislation.
  - Regular clinical peer supervision within the MCA Team, to help colleagues work through distressing or emotional situations that they may have encountered when supporting patients, families, carers or staff in relation to difficult mental capacity or deprivation of liberty issues.
  - Provision of support to colleagues within the MCA Team during occasional distressing or emotional circumstances, including imparting unwelcome news such as organisational change, merger, capability or disciplinary matters.
69. Apply significant mental effort on a regular basis, where intense concentration is required in order to understand, interpret and apply complex legislation and emerging case law in relation to mental capacity and deprivation of liberty issues.

70. Daily use of a VDU will be required, including being seated for prolonged periods of time.
71. Frequent travel between UHB sites will be required, and occasional travel to other locations, including Welsh Government and All Wales meetings in Cardiff.

**General**

72. Plan and prioritise own work, to ensure effective support to all areas and delivery of key objectives.
73. Other tasks and duties may be determined by the Head of Consent and Mental Capacity as the role develops.

## PERSON SPECIFICATION

ATTRIBUTES	ESSENTIAL	DESIRABLE	METHOD OF ASSESSMENT
<b>Qualifications and Knowledge</b>	<ul style="list-style-type: none"> <li>• Professional clinical qualification</li> <li>• Masters degree or equivalent</li> <li>• Extensive knowledge and understanding in relation to Mental Capacity Act legislation, Liberty Protection Safeguards and related case law.</li> <li>• Knowledge and understanding of the Mental Health Act.</li> <li>• Knowledge and understanding of data protection legislation.</li> <li>• Knowledge and understanding of relevant Standards for Health Services in Wales and the requirements of Healthcare Inspectorate Wales.</li> </ul>	<ul style="list-style-type: none"> <li>• Management / leadership qualification</li> <li>• Teaching course</li> </ul>	Application form
<b>Experience</b>	<ul style="list-style-type: none"> <li>• Experience of working with mental capacity legislation.</li> <li>• Significant clinical experience in the NHS.</li> <li>• Experience in a supervisory or leadership post.</li> <li>• Track record of achievement and task completion.</li> <li>• Experience of inter-agency working</li> <li>• Change management experience.</li> <li>• Teaching experience.</li> </ul>	<ul style="list-style-type: none"> <li>• Clinical audit experience.</li> </ul>	Application form and interview.
<b>Aptitude and Abilities</b>	<ul style="list-style-type: none"> <li>• Empathy with needs of patients and their carers in difficult and challenging situations.</li> <li>• Excellent negotiation and facilitation skills, with an ability to deal with complex, difficult and challenging situations.</li> <li>• Sound change management knowledge and skills.</li> <li>• Excellent inter-personal and communication skills with an ability to interact in a multi-professional and multi-organisational environment and, where necessary, communicate complex,</li> </ul>	<ul style="list-style-type: none"> <li>• Critical appraisal and evidence based practice skills.</li> </ul>	Interview

	<p>sensitive or contentious information.</p> <ul style="list-style-type: none"> <li>• Excellent written, oral and presentation skills, with an ability to adapt to both individual and group requirements.</li> <li>• Good organisational and operational management skills.</li> <li>• Good IT skills with an ability to effectively search the internet, health and legal databases, and a knowledge of MS Office applications.</li> <li>• Ability to think and work strategically.</li> <li>• Able to work autonomously and make complex judgements.</li> <li>• Ability to take an organisation-wide perspective</li> <li>• Able to interact effectively with a variety of people at different levels.</li> <li>• Able to readily understand new and complex subjects.</li> <li>• Able to work alone and as an effective member of a team.</li> <li>• Ability to apply concentrated effort to achievement of work within required time scales.</li> <li>• Organised with good attention to detail.</li> <li>• Motivated and enthusiastic.</li> <li>• Flexible and adaptable.</li> </ul>		
<b>Other</b>	<ul style="list-style-type: none"> <li>• Able to travel across the Health Board area and to external meetings.</li> <li>• Able to work hours flexibly</li> </ul>	Welsh speaker	Application form and interview

## **GENERIC STATEMENTS**

### **NHS CODE OF CONDUCT FOR MANAGERS**

The post holder will be expected to adhere to the standards laid down in the NHS Code of Conduct for Managers and at all times act in a manner that reflects and promotes the values of the HB. The post holder must ensure all activity and service objectives are effectively met in compliance with HBs standing orders and SFIs, scheme of delegated authority and employment legislation.

### **REGISTERED HEALTH PROFESSIONAL**

All staff who are members of a regulatory body must comply with standards of professional practice/conduct. It is the postholders responsibility to ensure they are both familiar with and adhere to these requirements.

### **COMPETENCE**

The post holder is required to participate in the Hywel Dda PDR process and work towards meeting identified development needs. The postholder is required to demonstrate on-going continuous professional development. At no time should the postholder work outside their defined level of competence. If the postholder has concerns regarding this they should immediately discuss this with their Manager/Supervisor/Consultant. The postholder has the responsibility to inform those supervising their duties if they are not competent to perform a duty.

### **OUR VALUES**

Hywel Dda University Health Board is a values driven organisation. The post holder is expected to uphold our values of dignity, respect, fairness, integrity, honesty, openness and caring, kindness & compassion underpin a behaviour framework which are supported by our organisational values of

- Putting people at the heart of everything we do
- Working together to be the best we can be
- Striving to deliver & develop excellent services

### **TEAM BRIEF**

The post holder is required to actively participate in Hywel Dda Team Briefing in order to aid communication within the Health Board. Managers and supervisors will regularly deliver the Team Brief verbally to their own staff teams by means of a Core Brief and additional departmental information.

### **RISK MANAGEMENT/HEALTH & SAFETY**

The postholder has a responsibility to themselves and others in relation to managing risk, health and safety and will be required to work within the policies and procedures laid down by the Hywel Dda. All staff have a responsibility to access occupational health, other staff support services and/or any relevant others in times of need and advice. The postholder has the responsibility for monitoring the progress on action plans in relation to risk, health and safety. The postholder has the responsibility for the development of risk profiles and a risk register within their area of responsibility. The postholder has the responsibility for developing systems to monitor performance against agreed performance indicators.

### **HARRASSMENT & BULLYING**

The HB condemns all forms of harassment and bullying and is actively seeking to promote a workplace where employees are treated with dignity, respect and without bias. All staff is requested to report any form of harassment and bullying to their line manager or to any Director of the HB.

### **RECORDS MANAGEMENT**

The postholder has the responsibility for timely and accurate record keeping and where appropriate in accordance with professional guidelines. The postholder has the responsibility for the creation and maintenance of records in accordance with Hywel Dda policy and the data protection act.

### **FLEXIBILITY STATEMENT**

The developing and rapidly changing nature of the organisation will require considerable flexibility from the post holder. This job description indicates the main functions and responsibilities for the post and is not intended to be a fully inclusive list and the duties and responsibilities specified in this job description are subject to change as the needs of the HB evolve. On agreement with the post holder, this job description will be amended, as necessary, in the event of future organisational and professional changes and/or personal development.

### **CONFIDENTIALITY**

All staff may have access to confidential information about patients, staff or health service business. On no account must such information be divulged to anyone who is not authorised to receive it. Confidentiality of information must be preserved at all times whether at or away from work. Any breach of such confidentiality is considered a serious disciplinary offence, which is liable to dismissal and /or prosecution under current statutory legislation (Data Protection Act) and the HB Disciplinary Policy.

### **EQUAL OPPORTUNITIES**

Hywel Dda University Health Board is committed to ensuring that, as far as is reasonably practicable, the way we provide services to the public and the way we treat our staff, patients and others reflects their individual needs and that individuals or groups will not face discrimination, harassment or victimisation, or be treated less favourably on the basis of sex, pregnancy and maternity, gender reassignment, disability, race, age, sexual orientation, religion and belief, family circumstances including marriage and civil partnership. To this end, the UHB has an Equality and Diversity Policy and Equality Impact Assessment Policy and Procedure and it is for each employee to contribute to enacting these policies.

### **OUTSIDE EMPLOYMENT/OUTSIDE INTERESTS**

Any other work or outside interests must not conflict with the duties and responsibilities of your attendance for work as an employee of the HB.

### **ENVIRONMENTAL**

The Hywel Dda Health Board is committed to its environmental responsibilities. The Board recognizes that its activities, including energy consumption, waste generation, transportation emissions, water use and resource consumption, have a significant impact on the environment. As an integral part of its commitment to ensure high quality patient care, all staff have a responsibility to adhere to environmental policy and procedure at both an organisational level and within their own area of work to ensure legal compliance. Staff will do their utmost to minimize the environmental impacts of Health Board activities and services, and seek to continually improve operations to minimize their environmental effects. Staff should take note of relevant communications and attend mandatory training when required.

### **SMOKE FREE POLICY**

All Health Board sites and premises and grounds are designated as smoke free areas. This policy applies to all staff, contractors/service providers, patients\*, visitors and the public.

**\*Those patients staying in residential mental health units will be exempt under the Smoke-Free Premises (etc) Wales Regulations 2007.**

## **SAFEGUARDING ADULTS AND CHILDREN**

Every employee of the Health Board, whatever their job, role, profession, status or place of work, paid or voluntary, has a responsibility for Safeguarding both adults and children.

Staff must:

- Understand the nature of abuse and how children and adults might be at risk of harm and neglect.
- Understand their own safeguarding responsibilities and what actions they may need to take.
- Know where they can access local policies and procedures in relation to Safeguarding Children and Safeguarding Adults.
- Report allegations or suspicions of abuse to their line manager, including suspicions about a colleague or manager, irrespective of their status, profession or authority. This includes whistle-blowing
- Know how to make a Safeguarding referral to Social Services and/or the Police for both adults and children to report allegations or if they have concerns.
- Know what services, advice and support are available locally to vulnerable children and adults and how to access help needed.

## **INFECTION CONTROL**

"The document Commitment to Purpose: Eliminating Preventable Healthcare Associated Infection: A Framework of actions for healthcare organisations in Wales stipulates that all staff must understand their responsibility and accountability for Infection Prevention & Control and the Health Board must be assured of this on an ongoing basis". IP&C is the personal and individual responsibility of all Health Board staff. All staff have a responsibility to protect and safeguard patients, service users, visitors and employees against the risk of acquiring healthcare associated infections. This responsibility includes being aware of the content of and consistently observing, Health Board Infection Prevention & Control Policies and procedures; and best practice guidance in order to maintain high standards of Infection Prevention & control.

## **GENERAL**

The postholder needs to ensure they are familiar with their terms and conditions of service.