

## JOB DESCRIPTION

### CARDIFF AND VALE UNIVERSITY HEALTH BOARD

09877

#### JOB DETAILS

<b>Job Title:</b>	Mental Capacity Specialist Practitioner
<b>Pay Band:</b>	7
<b>Department:</b>	Safeguarding
<b>Directorate:</b>	Corporate Nursing
<b>Clinical Board:</b>	Corporate Nursing
<b>Base:</b>	Woodland House

#### ORGANISATIONAL ARRANGEMENTS

<b>Managerially Accountable to:</b>	LPS Project Lead
<b>Reports to:</b>	LPS Project Lead
<b>Professionally Responsible to:</b>	LPS Project Lead

#### Our Values: 'CARING FOR PEOPLE; KEEPING PEOPLE WELL'

Cardiff and Vale University Health Board has an important job to do. What we do matters because it's our job to care for people and keep them well. We all want to do this to the best of our abilities – but we know that good intentions are not always enough.

At Cardiff and Vale University Health Board our values and example behaviours are:

<b>We care about the people we serve and the people we work with</b>	Treat people as you would like to be treated and always with <b>compassion</b>
<b>We trust and respect one another</b>	Look for <b>feedback</b> from others on how you are doing and strive for <b>better</b> ways of doing things
<b>We take personal responsibility</b>	Be <b>enthusiastic</b> and take responsibility for what you do.
<b>We treat people with kindness</b>	<b>Thank</b> people, celebrate success and when things go wrong ask 'what can I learn'?
<b>We act with integrity</b>	Never let structures get in the way of doing the <b>right thing</b> .

Our values guide the way we work and the way we behave with others. Post holders will be expected at all times to behave in accordance with our values demonstrating commitment to the delivery of high quality services to patients.

## **JOB SUMMARY/JOB PURPOSE**

As one of two operational leads for the Mental Capacity Act (MCA) /, Deprivation of Liberty (DoLs) 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 /DoLs 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/DoLs. 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 and the DoLs application process

In order to meet legislative requirements the Mental Capacity/DoLs 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 /DoLs Lead and the higher education sector to ensure effective implementation of MCA legislation across Wales

## **DUTIES AND RESPONSIBILITIES**

### **MAIN DUTIES AND RESPONSIBILITIES**

#### **Service Management**

1. Be a lead specialist for the Mental Capacity Act 2005 (MCA) within Cardiff and Vale 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 clinicians and the Executive lead for the UHB as appropriate.
3. Lead and direct the delivery of MCA/DoLs 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 potential replacement; the Liberty Protection Safeguards. Support effective implementation of the latter as required .
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 Safeguarding Steering Group, that appropriate systems and processes are in place to increase awareness and application of the MCA /DoLs across Cardiff and Vale University Health Board.
7. Contribute to, and prepare papers for, the UHB Safeguarding Steering Group.
8. Establish, chair and/or contribute to any other necessary committees or task and finish groups, as required.
9. Identify and advise the Safeguarding Steering Group and the Board of any new MCA/DoLs 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 Safeguarding Steering 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 /DoLs 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 /DoLs issues.
20. Develop service improvement methodologies in relation to MCA/DoLs issues, so that services can be improved.
21. Support clinical teams to identify and implement the relevant learning from clinical situations where the MCA /DoLs has not been consistently applied.
22. Collaborate with external partners on the delivery of joint service developments in relation to MCA/DoLs .

#### **Communications**

23. Provide verbal and written assurance to the Board, through the Safeguarding Steering Group, that appropriate systems and processes are in place to help the UHB achieve compliance with the legislative requirements of the MCA/DoLs. 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/DoLs 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 Cardiff and the Vale.
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 /DoLs 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 /DoLs 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/DoLs matters which may attract media attention.

#### **Finance and Resources**

33. Support the LPS Project Lead in establishing spending priorities and ensuring the departmental budget is effectively utilised.

34. In the absence of the LPS Project Lead, deputise in relation to signing travel expense claims etc, for other staff within the Mental Capacity Act Team.

**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 LPS Project Lead 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 LPS Project Lead. 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 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/DoLs 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. 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**

45. Regularly produce complex reports and presentations, incorporating relevant data, based on a range of information from a variety of sources in relation to

MCA/Dols. Write and present reports to the Safeguarding Steering Group, and other groups or committees as required.

46. 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.
47. Keep up-to-date secure records of support and advice given in relation to practice issues, in order to inform the Safeguarding Steering Group. Use these records to contribute to monitoring of compliance with the MCA/Dols legislation.
48. Be responsible for ensuring that compliance with the MCA/Dols is monitored and develop strategies for improving areas of poor compliance.
49. 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.
50. 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.
51. Ensure the proactive collation of relevant evidence and information to support the UHB's response to relevant Standards for Healthcare in Wales.
52. 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.
53. Develop and maintain the health board's MCA/Dols webpages, ensuring that they provide staff with useful and up-to-date information.
54. Regularly use a range of computer software to create and disseminate reports and documents for relevant managers, committees, health professionals and external organisations.
55. Utilise key board skills in the production of reports, accessing computer based information, and data input where required.

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

56. Advise the health board of any significant risks arising through failure to implement the MCA./Dols

57. 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.
58. Act within legislation, policies and procedures relating to information governance.
59. Attend statutory/mandatory training.
60. Be responsible for ensuring the Health & Safety policies and procedures are implemented in their designated area of responsibility.
61. Ensure appropriate positioning of workstation due to regular use of a VDU and being seated for prolonged periods of time.

### **Quality**

62. 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.
63. 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.
64. Use specialised knowledge and experience of the MCA, LPS /DoLs and Mental Health Act to provide professionals with the support required to apply this legislation in clinical practice.

### **Equality and Diversity**

65. Ensure that equality and diversity issues are recognised and addressed in accordance with legislation, policies and procedures.
66. 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**

67. 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.
68. 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.
69. Daily use of a VDU will be required, including being seated for prolonged periods of time.
70. Frequent travel between UHB sites will be required, and occasional travel to other locations.
- General**
71. Plan and prioritise own work, to ensure effective support to all areas and delivery of key objectives.
72. Other tasks and duties may be determined by the LPS Project Lead as the role develops.

## GENERAL

- **Flexibility:** Depending on your role you may be required to work across 7 days and/or on more than one site, and to work late shifts, nights and weekends. You may also be required to participate in an on-call rota or internal rotation.
- **Performance Reviews/Performance Obligation:** The post holder will be expected to participate in the UHB individual performance review process, and as part of this process to agree an annual Personal Development Plan with clear objectives and identified organisational support.
- **Competence:** At no time should the post holder work outside their defined level of competence. If the post holder has concerns regarding this, they should immediately discuss them with their manager. All staff have a responsibility to inform those supervising their duties if they are not competent to perform a duty.
- **Confidentiality:** In line with the Data Protection legislation and the Caldicott Principles of Confidentiality, the post holder will be expected to maintain confidentiality in relation to personal and patient information including clinical and non-clinical records, as outlined in the contract of employment. This legal duty of confidentiality continues to apply after an employee has left the UHB. The post holder may access information only on a need to know basis in the direct discharge of duties and divulge information only in the proper course of duties.
- **Records Management:** The post holder has a legal responsibility to create, maintain, store and destroy records and other UHB information handled as part of their work within the UHB in line with operating procedures and training. This includes all records relating to patient health, financial, personal and administrative, whether paper based or on computer. The post holder has a duty to maintain the highest levels of data quality for all records through accurate and comprehensive recording across the entire range of media they might use. All staff have a responsibility to consult their manager if they have any doubts about the correct management of records with which they work.
- **Information Governance:** The post holder must at all times be aware of the importance of maintaining confidentiality and security of information gained during the course of their duties. This will, in many cases, include access to personal information relating to service users.
- **Health & Safety:** The post holder is required to co-operate with the UHB to ensure health and safety duties and requirements are complied with. It is the post holder's personal responsibility to conform to procedures, rules and codes of practice; and to use properly and conscientiously all safety equipment, devices, protective clothing and equipment which is fitted or made available, and to attend training courses as required. All staff have a responsibility to access Occupational Health and other support in times of need and advice.

- **Risk Management:** The UHB is committed to protecting its staff, patients, assets and reputation through an effective risk management process. The post holder will be required to comply with the UHB Health and Safety Policy and actively participate in this process, having responsibility for managing risks and reporting exceptions.
- **Safeguarding Children and Adults:** The UHB is committed to safeguarding children and adults therefore all staff must attend the Safeguarding Children and Adults training.
- **Infection Control:** The UHB is committed to meet its obligations to minimise infection. All staff are responsible for protecting and safeguarding patients, service users, visitors and employees against the risk of acquiring healthcare associated infections. This responsibility includes being aware of and complying with the UHB Infection, Prevention and Control procedures/policies, not to tolerate non-compliance by colleagues, and to attend training in infection control provided by the UHB.
- **Registered Health Professionals:** All employees who are required to register with a professional body to enable them to practice within their profession are required to comply with their code of conduct and requirements of their professional registration.
- **Healthcare Support Workers:** The All Wales Health Care Support Worker (HCSW) Code of Conduct outlines the standards of conduct, behaviour and attitude required of all Healthcare Support Workers employed in NHS Wales. Healthcare Support are responsible, and have a duty of care, to ensure their conduct does not fall below the standards detailed in the Code and that no act or omission on their part harms the safety and wellbeing of service users and the public, whilst in their care.
- **Health Improvement:** all staff have a responsibility to promote health and act as an advocate for health promotion and prevention
- **No Smoking:** To give all patients, visitors and staff the best chance to be healthy, all UHB sites including buildings and grounds are smoke-free. Staff are encouraged to promote and actively support our No Smoking Policy. Advice and support on quitting smoking is available for all staff and patients. A hospital based service can be accessed by telephoning 02920 743582 or for a community based service, Stop Smoking Wales can be contacted on 0800 0852219
- **Equality and Diversity:** We are committed to promoting inclusion, where every staff member has a sense of belonging. We welcome applications from everyone and actively seek a diverse range of applicants. We value our differences and fully advocate, cultivate and support an inclusive working environment where

staff treat one another with dignity and respect. We aim to create an equitable working environment where every individual can fulfil their potential no matter their disability, sex, gender identity, race, sexual orientation, age, religion or belief, pregnancy and maternity or marriage and civil partnership status

- **Dignity at Work:** The UHB condemns all forms of bullying and harassment and is actively seeking to promote a workplace where employees are treated fairly and with dignity and respect. All staff are requested to report any form of bullying and harassment to their Line Manager or to any Director of the organisation. Any inappropriate behaviour inside the workplace will not be tolerated and will be treated as a serious matter under the UHB Disciplinary Policy.
- **Welsh Language:** All employees must perform their duties in strict compliance with the requirements of the current UHB Welsh Language Standards and take every opportunity to promote the Welsh language in their dealings with the public. The UHB also encourages employees to use their available Welsh language skills
- **Job Description:** This job description is not inflexible but is an outline and account of the main duties. Any changes will be discussed fully with the post holder in advance. The job description will be reviewed periodically to take into account changes and developments in service requirements.

**Date Prepared: 1/11/22**

**Prepared By: Chloe Evans**

**Date Reviewed:**

**Reviewed By:**

## PERSON SPECIFICATION CARDIFF AND VALE UNIVERSITY HEALTH BOARD

<b>Job Title:</b>	Mental Capacity Act Specialist Practitioner	<b>Department:</b>	Safeguarding
<b>Band:</b>	7	<b>Clinical Board:</b>	Corporate Nursing
<b>Base:</b>	Woodland House		

	ESSENTIAL	DESIRABLE	METHOD OF ASSESSMENT
<b>QUALIFICATIONS</b>	<ul style="list-style-type: none"> <li>Professional clinical qualification</li> <li>Masters degree or equivalent experience</li> </ul>	<ul style="list-style-type: none"> <li>Management/ leadership qualification</li> <li>Teaching course</li> </ul>	Application Form Certificate Check Registration Card – Nurse/AHP
<b>EXPERIENCE</b>	<ul style="list-style-type: none"> <li>Experience of working with mental capacity legislation.</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 Interview References

<b>SKILLS</b>	<ul style="list-style-type: none"> <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, sensitive or contentious information.</li> <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> </ul>	<ul style="list-style-type: none"> <li>• Critical appraisal and evidence based practice skills.</li> </ul>	Application Form Interview References
<b>SPECIAL KNOWLEDGE</b>	<ul style="list-style-type: none"> <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>		Application Form Interview References

<b>PERSONAL QUALITIES</b> <i>(Demonstrable)</i>	<ul style="list-style-type: none"> <li>• Empathy with needs of patients and their carers in difficult and challenging situations.</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 approach to work and adaptable.</li> </ul>		Application Form Interview References
<b>OTHER</b> <i>(Please Specify)</i>	<ul style="list-style-type: none"> <li>• Able to travel across the Health Board area and to external meetings.</li> </ul>	<ul style="list-style-type: none"> <li>• Welsh Speaker</li> </ul>	Interview Document Check*

<b>Date Prepared:</b>	1/11/22	<b>Prepared By:</b>	Chloe Evans
<b>Date Reviewed:</b>		<b>Reviewed By:</b>	