

Presentation 1: Patient freedom of choice: safeguarding and positive risk taking –

Betsey Lau-Robinson, Head of Safeguarding Adults & the Mental Capacity Act at University College London Hospital

- Care Act 2014 - <https://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- *Safeguarding adults at risk of abuse or neglect*
<https://www.legislation.gov.uk/ukpga/2014/23/part/1/crossheading/safeguarding-adults-at-risk-of-abuse-or-neglect/enacted>
- NHS England - <https://www.england.nhs.uk/ourwork/safeguarding/>
- National Mental Capacity Forum - <https://www.scie.org.uk/mca/directory/forum>
- General Medical Council (GMC) -
http://www.gmcuk.org/guidance/ethical_guidance/consent_guidance_making_decisions_patient_lacks_capacity.asp
- Adult Safeguarding: Intercollegiate Training Framework 2018 (RCN)
<https://www.rcn.org.uk/professional-development/publications/pub-007069>
- LPA – Lasting power of attorney - <https://www.gov.uk/lasting-power-attorney-duties/health-welfare>
- IMCA – Independent Mental Capacity Advocate
- Health, welfare and deprivation of liberty report – September 2022
<https://www.39essex.com/health-welfare-and-deprivation-of-liberty-report-september-2022/>

NICE Guidelines

- Advance decision & Mental Capacity <https://www.nice.org.uk/guidance/ng108>
- MND assessment and management - <https://www.nice.org.uk/guidance/ng42>
- NICE guidance for supporting decision making
<https://www.nice.org.uk/guidance/ng108/chapter/recommendations>

MND Association resources

- Advance Decision to Refuse Treatment (ADRT) and advance care planning
<https://www.mndassociation.org/app/uploads/2015/07/14A-Advance-Decision-to-Refuse-Treatment-and-advance-care-planning.pdf>
- MND Professionals management of symptoms – dysphagia, nutrition and saliva problems
<https://www.mndassociation.org/professionals/management-of-mnd/management-by-symptoms/dysphagia/>

Presentation 2: Mental Capacity and implications for safe and effective practice –

Dr Jon Martin, Consultant in Palliative Medicine at University College London Hospital

- Mental Capacity Act 2005 - <https://www.legislation.gov.uk/ukpga/2005/9/contents>
- Mental Capacity (Amendment) Act 2019 - <http://www.legislation.gov.uk/ukpga/2019/18/enacted>
- Clinically-assisted nutrition and hydration (CANH) <https://www.bma.org.uk/advice-and-support/ethics/adults-who-lack-capacity/clinically-assisted-nutrition-and-hydration>
- Mental Capacity Act 2005 – code of practice - <https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>

Chat transcription from the event:

P1: When assessing someone's capacity for a specific decision when they have communication difficulties can be very difficult even when supported with this e.g pictures / supported conversation. When someone only has a reliable yes/no response what are your thoughts /advice on assessing their ability to 'weigh' up the decision?

- From betsey Lau-Robinson : As OT's & SLT professionals, you would have new responsibilities under the new LPS & its process. Please do appraise yourselves with the Draft Code <https://www.gov.uk/government/consultations/changes-to-the-mca-code-of-practice-and-implementation-of-the-lps>

P2: I've found it's very tricky with FTD patients who can have verbal fluency, and may remember (often loads of) facts, but who can't synthesise this information together to gain meaning from the facts.

P3: Does the point about executive function mean, for example- they say they will go home and live independently, but they obviously can't do that (several possible reasons for this)??

- P4: As an OT executive function means higher level cognitive functions such as planning, prioritising, organising information
- P6: OTs can assess this as part of cognitive assessment, i wasn't aware of this other meaning
- P7: Completing an ECAS is helpful in determining executive (and other) function. It can be used as part of the capacity assessment.

P5: Are there any measures/rating scales to give an indication of risk taking?

- P8: This guidance has a glossary of terms: Executive dysfunction
- The completion of tasks that involve several steps or decisions normally involves the operation of mental processes known as 'executive functions'. If these executive functions do not develop normally, or are damaged by brain injury or illness, this can cause something called 'executive dysfunction'. This involves a range of difficulties in everyday planning and decision-making, which can be sometimes hard to detect using standard clinical tests and assessments.
- <https://www.nice.org.uk/guidance/ng108/chapter/Recommendations#terms-used-in-this-guideline>