



WSCP Newsletter

February 2020

Key Messages of the Mental Capacity Act (2005) for Practitioners Working with Children:

- ◆ The decision making provisions of the Mental Capacity Act apply to people over the age of 16 years of age.
- ◆ Decisions that can be made under the Act can include; residence, care and support, medical treatment, social contact etc...
- ◆ A Code of Practice accompanies the Act and provides a useful resource for practitioners which outlines professional's duties under the Act.
- ◆ The assessment of mental capacity is time and decision specific.
- ◆ If the individual is assessed as lacking capacity to make a specific decision, then the principle of "Best Interests" must be followed by the "decision maker".
- ◆ Where the professional has concerns about the parent/carer's mental capacity then the principles of the Mental Capacity Act should be followed in order to inform who the "decision maker" will be in order to act in the "Best Interests" of the child or young person.
- ◆ "Gillick" competency is relevant to children under the age of 16 years in order to make their own decisions and understand any implications of those – this is a different test to the assessment of mental capacity undertaken in accordance with the Mental Capacity Act.
- ◆ Parents do not have an automatic right to give consent for decisions made for a young person aged 16 or 17 years, unless, they have been appointed as a Health and Welfare Deputy by the Court of Protection.
- ◆ Any disagreement about the care, treatment or welfare of a young person aged 16 or 17 who is deemed to lack the relevant mental capacity must be heard in Family Courts or the Court of Protection.
- ◆ Care that deprives a 16 or 17 year old of liberty must be authorised, at present, in the Court of Protection.

For further information please follow the link below to the Learning Briefing written by Jason Marshall:
<https://www.safeguardingworcestershire.org.uk/wp-content/uploads/2020/02/Childrens-MCA-Learning-Briefing.pdf>



Children's Commissioner Report - 'Children's Insights' & Final Report on the Safeguarding Early Adopter Program

The Children's Commissioner has published the first edition of Children's Insights:
https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/10/CC_Childrens-Insights_issue1_28.10_.pdf



The Final Report on the Safeguarding Early Adopter Programme, a cross-government initiative involving the Department for Education, Department of Health and Social Care, and the Home Office, brought together 17 projects across the country to develop new and innovative approaches in the new Multi-Agency Safeguarding Arrangements.

You can download the report here:

<https://www.ncb.org.uk/news-opinion/news-highlights/new-child-safeguarding-arrangements-have-potential-innovate>



Change to children and young people's sexual assault referral service in the West Midlands region

After the 31st December 2019, the provider for sexual assault referral services for children and young people (aged 0-17 years) in the West Midlands region will change.

All commissioners felt it was vital for a 24/7 service in the West Midlands region to be provided. As a result, from 1st January 2020, **Mountain Healthcare Limited** will be the new service provider and will deliver the service until January 2021.

The service provided (including locations of delivery and response times) will remain unchanged except that a nurse might see young people aged 13 years and over.



Dates for your calendar:



Training:

♦ **Management of Allegations**

24th March 2020, 10.00am-1.00pm, Redditch Room,
County Hall, Worcester.

<https://capublic.worcestershire.gov.uk/LearnDevPublic/CourseDetail.aspx?id=89642957-4c8a-4bf0-8963-cda6f0ed2e1c>

♦ **Safeguarding Level 2 training (Worcestershire Children First staff only):**

20th March 2020 – 9.00 – 12.30 - Kidderminster Room

29th May 2020 – 9.00 – 12.30 – Kidderminster Room

Awareness Days:

- ♦ **National Child Exploitation Awareness Day—18th March 2020**