



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Mental Health Act 2007: Workshop

Approved Clinicians and Responsible Clinicians
Module

Facilitator Guidance Pack

Introduction

This training workshop is designed to provide approved clinicians and responsible clinicians with the knowledge they need to perform their statutory duties and functions following the implementation of the Mental Health Act 2007.

Learning objectives

The workshop will enable participants to:

- explain the statutory roles and responsibilities of approved and responsible clinicians
- explain what is meant by 'appropriate treatment' for the patient and what should be taken into account when considering treatment
- determine the grounds for ongoing detention taking into account relevant factors
- explain the revised procedures under section 20 regarding renewal of detention
- apply appropriately the guiding principles of the Mental Health Act 1983 Code of Practice for Wales
- identify circumstances of potential conflicts of interest that might compromise the role of the responsible clinician
- identify the new safeguards for patients undergoing ECT
- explain the purpose of supervised community treatment (SCT) and the processes of application, recall, and revocation and functions of the responsible clinician and approved clinicians within those
- explain the different roles of the responsible clinician and the approved clinician in charge of treatment in relation to Part 4 and Part 4A (Consent to treatment provisions)
- explain deprivation of liberty safeguards and the relationship of the Mental Health Act 1983 to the Mental Capacity Act 2005.

Guidance notes

This pack contains guidance to enable you to run the workshop for participants directly involved in the provision of mental health and learning disability services.

It contains session notes, handouts and activities for you to use with the participants and suggested timings. Each topic has been dealt with in a separate session to allow you to adapt the workshop to meet the needs of the audience.

Preparation

In preparation for the workshop you need to:

- Familiarise yourself with the information contained in the resource pack and complete all the activities
- Make any notes you feel you may need to assist you whilst running the workshop
- Identify situations from your and the participants settings to use during the discussions
- Familiarise yourself with the Mental Health Act 1983 Code of Practice for Wales
- Arrange for the printing of activities and the Participants Pack
- Organise equipment – Laptop and LCD projector, flipchart, pens and blu-tac (if using).

Ideally the participants should receive their pack a week prior to the workshop to enable them to review the information and make any notes for discussion.

PowerPoint slides

A presentation has been included to support your presentation of information. The slides only contain bullet points and you will need to expand on these to ensure the participants understanding.

Activities

Depending on the size and nature of your group the activities can be completed in 2s, 3s or 4s to encourage discussion. Records of discussions can either be recorded on the sheets provided or on flip charts to enable the groups to report back to the full group. You will need to ensure that participants are aware of time limits for the activity and make every effort to keep to the suggested timings.

Points to note

Key points have been included on the session outlines that you may need to point out if they do not come up during the discussions.

Timetable

Time	Duration	Session	Topic
09.15	15 mins	Session 1	Goals and objectives
09.30	20 mins	Session 2	Statutory roles and responsibilities
09.50	35 mins	Session 3	Ongoing detention
10.25	20 mins	Session 4	Mental Health Act 1983 Code of Practice for Wales
10.45	15 mins		Coffee
11.00	40 mins	Session 5	Supervised community treatment
11.40	10 mins	Session 6	Safeguards for patients
11.50	15 mins	Session 7	Deprivation of liberty safeguards
12.05	10 mins	Session 8	Conflict of interest
12.15	15 mins	Session 9	Review and evaluation
12.35			Close

Session 1: Goals and objectives

The main purpose of this session is to welcome participants to the training workshop and to help them to feel relaxed and comfortable. During this time they will have the opportunity to voice their problems and issues, to confirm what they will achieve during the day and to clarify how the training will be organised.

Time: 15 minutes

Objectives

During this session participants will:

- greet each other and the facilitators
- identify the objectives, content and structure of the workshop.

Key	Method	Resources	Time
Welcome, domestics, ground rules	<ul style="list-style-type: none"> • Warm welcome and aim of the training event • Domestics • Brief icebreaker / participant introductions • Facilitator introductions and roles • Ground rules and agreement. 	Slide 1 - 5	10 mins
Objectives and timetable	Facilitators: <ul style="list-style-type: none"> • Show objectives and timetable • Describe how the event will be delivered • Mention participant packs and other materials • Ask for any questions or concerns. 	Slides 6 - 8	5 mins

Session 2: Statutory roles and responsibilities

The main purpose of this session is to explain the statutory roles and responsibilities of approved and responsible clinicians.

Time: 20 minutes

Objectives

During this session participants will:

- Review the statutory roles
- Define the powers and duties of the approved and responsible clinicians.

Key	Method	Resources	Time
Professional roles	<ul style="list-style-type: none"> • Facilitator provides brief presentation on the professional roles and the powers and duties of approved and responsible clinicians. 	Slides 9 - 19	5 mins
Activity	<ul style="list-style-type: none"> • Group to work in pairs to identify the powers and duties of approved and responsible clinicians. 	Slide 20 Activity 1	10 mins
Discussion	<ul style="list-style-type: none"> • Facilitator leads feedback and discussion to make sure that participants have a clear understanding. Give out answer sheet. 	Activity 1 answers Participants pack	5 mins

Points to note:

- As the needs of the patient may well change over time, the appointment of the RC should be kept under review.
- The patient's RC may change during an episode of care, if such a change helps to meet the needs of the patient more effectively. This may happen for example where a patient is discharged from hospital onto a compulsory treatment order.
- Before submitting a report recommending continued detention, the RC must secure written agreement from one such second professional that the conditions are satisfied. Furthermore that professional must belong to a different profession from the RC.
- This means that the RC does not need to have any concerns about being asked to take on any responsibilities that are outside their own professional qualifications and competence.

Session 3: Ongoing detention

The main purpose of this session is to enable the participants to consider the specific criteria that must be met before the RC may make a report recommending continued detention.

Time: 35 minutes

Objectives

During this session participants will:

- Identify the grounds for detention
- Define the terms “appropriate” and “medical treatment”
- Apply their knowledge using a realistic case study.

Key	Method	Resources	Time
Activity	<ul style="list-style-type: none"> • Facilitator to introduce the activity • Groups analyse Activity 2 - Jane and discuss some set questions. Groups to use Code of Practice and Participant Pack for reference • Each group presents their responses to some of these questions to the full group • Facilitators clarify, challenge and comment on these responses. Give out suggested answers to Activity 2. 	Slide 21 Activity 2 Code of Practice Participant Pack Activity 2 Feedback	15 mins
Grounds for detention	<ul style="list-style-type: none"> • Facilitator provides brief presentation on the grounds for detention. 	Slides 22 - 25	10 mins
Appropriate treatment	<ul style="list-style-type: none"> • Facilitator provides brief presentation on appropriate treatment. 	Slides 26 - 30	5 mins
Discussion	<ul style="list-style-type: none"> • Facilitator to lead Q& A session to clarify any issues. 		5 mins

Points to note:

- Grounds for detention:
If patients are to be detained for treatment under section 3 and related sections of Part 3 there is an important addition to the criteria that 'appropriate medical treatment' is available for the patient. As a result, it will not be possible for patients to be compulsorily detained or their detention renewed unless medical treatment is available for them which is appropriate taking into account the nature and degree of their mental disorder and all the other circumstances of their case. The previously used 'treatability test' (as it was called) has now been abolished.

Session 4: Mental Health Act 1983 Code of Practice for Wales

The main purpose of this session is to enable Approved and Responsible Clinicians to apply appropriately the Guiding Principles of the Mental Health Act 1983 Code of Practice for Wales.

Time: 20 minutes

Objectives

During this session participants will:

- Review the purpose and background of the Code of Practice
- Apply the guiding principles using a realistic case study.

Key	Method	Resources	Time
Code of Practice	<ul style="list-style-type: none"> • Facilitator provides brief presentation on the Code of Practice • Facilitator may need to expand on this depending on group's knowledge, although they should have covered this in the Core Module. 	Slides 31 - 32 Core Module materials	5 mins
Activity	<ul style="list-style-type: none"> • Groups analyse Activity 3 – Applying the Code, and discuss some set questions. Groups to use Code of Practice and Participant Pack for reference • Each group presents their responses to some of these questions to the full group • Facilitators clarify, challenge and comment on these responses. Give out suggested answers to Activity 3. 	Slide 33 Copies of the Code of Practice Activity 3 Activity 3 Feedback	15 mins

Session 5: Supervised community treatment

The main purpose of this session is to explain the purpose of supervised community treatment (SCT), the processes of application, recall, and revocation and responsibilities of the ACs and RCs.

Time: 40 minutes

Objectives

During this session participants will:

- Define the criteria for SCT and making a community treatment order (CTO)
- Define the processes of application, recall, and revocation
- Define the responsibilities of the AC and RC where emergency treatment is appropriate
- Apply their knowledge using a realistic case study.

Key	Method	Resources	Time
SCT	<ul style="list-style-type: none"> • Facilitator provides brief presentation on SCT. 	Slides 34 - 40	5 mins
Activity	<ul style="list-style-type: none"> • Groups analyse Activity 4a - Clive (Stage 1) and discuss some set questions. Groups to use Code of Practice and Participant Pack for reference • Each group presents their responses to some of these questions to the full group • Facilitators clarify, challenge and comment on these responses. Give out suggested answers to Stage 1 • Groups analyse Activity 4b - Stage 2 (applications for admission) and discuss some set questions. Groups to use Code of Practice and Participant Pack for reference • Each group presents their responses to some of these questions to the full group • Facilitators clarify, challenge and comment on these responses. Give out suggested answers to Stage 2. 	Slides 41 - 42 Copies of the Code of Practice Participant Pack Activity 4a/b Activity 4a/b Feedback	20 mins

Roles and responsibilities	<ul style="list-style-type: none"> Facilitator provides brief presentation on the role and responsibilities for SCT. 	Slides 43 - 45	5 mins
Consideration of Alternatives	<ul style="list-style-type: none"> Facilitator to lead discussion about what alternatives to SCT could be considered. Use flip chart to record if available. 	Slide 46	5 mins
Discussion	<ul style="list-style-type: none"> Facilitator lead Q&A session to clarify any issues. 		5 mins

Points to note:

- RCs can still grant leave of absence under section 17 of the 1983 Act, but should only consider this as a means of giving a patient short periods of leave (normally up to seven days) as part of the person's overall management within hospital or as preparation for their discharge.
- RCs cannot grant leave of absence under section 17 for part 2 or unrestricted part 3 patients for longer than 7 consecutive days without first considering whether the patient should be subject to SCT. In effect, RCs will have to demonstrate that SCT has been considered and show why section 17 was more appropriate.
- As well as agreeing that the criteria are met, the RC and AMHP must also concur that SCT is appropriate for that patient. The CTO, and the AMHP's agreement to it, will be in writing.
- Consultation is clearly vital when SCT is first considered for a patient but should also take place on any review of the CTO.
- Patients should not remain on SCT for longer than necessary. Consideration of whether the patient continues to meet the criteria for SCT should be held under constant review. If the patient no longer meets the criteria the RC should discharge the patient from SCT..

Session 6: Safeguards for patients

The main purpose of this session is to explain how the safeguards for patients are incorporated within the Act protect patients' rights.

Time: 10 minutes

Objectives

During this session participants will:

- Clarify the safeguards for patients
- Understand and define the role and responsibilities of the AC and RC.

Key	Method	Resources	Time
Safeguards for patients	<ul style="list-style-type: none">• Facilitator provides brief presentation on the safeguards for patients.	Slides 47 - 57	10 mins

Session 7: Deprivation of liberty safeguards

The main purpose of this session is to understand the implication of deprivation of liberty safeguards..

Time: 15 minutes

Objectives

During this session participants will:

- Clarify the safeguards for patients
- Understand and define the role and responsibilities of the AC and RC.

Key	Method	Resources	Time
Deprivation of liberty safeguards	<ul style="list-style-type: none">• Facilitator provides brief presentation on the safeguards for patients.	Slides 58 - 63	10 mins
Discussion	<ul style="list-style-type: none">• Facilitator lead Q&A session to clarify any issues.		5 mins

Points to note:

- Chapter 13 of the Code of Practice gives more information on the revised provisions of the Mental Capacity Act 2005.
- In addition, there is a separate Code of Practice specifically regarding the deprivation of liberty safeguards that supplements the main Mental Capacity Act 2005 Code of Practice.

Session 8: Conflict of interest

The main purpose of this session is to identify circumstances of potential conflicts of interest that might compromise the application process.

Time: 10 minutes

Objectives

During this session participants will:

- Identify potential areas of conflict of interest
- Clarify where conflict regulations apply.

Key	Method	Resources	Time
Conflict of interest	<ul style="list-style-type: none"> • Facilitator provides brief presentation on the conflict of interest. 	Slides 64 - 67	
Activity	<ul style="list-style-type: none"> • Group to work in pairs to identify areas of potential conflict • Facilitators discuss in plenary to clarify, challenge and comment on these responses. 	Slide 68 Activity Sheet	10 mins
Conflict Regulations	<ul style="list-style-type: none"> • Facilitator provides brief presentation on the where Conflict Regulations apply. 	Slide 69	

Points to note:

- The RC should always arrive at their own independent decisions, although in most cases these independent decisions will be informed by and take into account the views of a number of professionals, carers and others involved.

Session 9: Review and evaluation

The main purpose of this session is to recap and review the main learning points of the day's workshop.

Time: 15 minutes

Objectives

During this session participants will:

- Reflect on what they have learned and make notes
- Plan any further study that they may need to carry out.

Key	Method	Resources	Time
Workshop review	<ul style="list-style-type: none"> • Facilitator led review of workshop and objectives • Individuals reflect on what they have learned and make notes on action plan • As appropriate, they share findings with the full group • Facilitators indicate sources of further reading and study. 	Slides 70 - 74 Action plans	10 mins
Evaluation	<ul style="list-style-type: none"> • Participants complete evaluation. 	Evaluation forms Slide 75	5 mins