

Summarised Minute of the Capacity and SDM Advisory Group Meeting

Date: 29th March 2021

Location: MS Teams

Present: Jill Stavert (chair), John Scott, Arun Chopra, Joanne Dymock, Becky Leach, Pearse McCusker, Jan Killeen, Marianne Morritt

In attendance: Sandra McDonald, Sophie Ryder

Apologies: Simon Bradstreet,

Outstanding matters

The outstanding matters listed as i-viii on the agenda were reviewed, all of these were agreed as relevant, there were a couple of matters omitted, which are now added, as items i, ii and iv below. Additionally, it was felt the questions should be restated to be more discursive. The matters are now listed as:

- i. What is the purpose of the legislation?
- ii. Who is it for?
- iii. What do people want from the legislation, it's desired outcomes?
- iv. Can, or do, these outcomes form principles? What are our views of the current principles? Do we wish to restate these?
- v. Against the backdrop of i -iv what are the advantages and disadvantages of fused legislation?
- vi. What are our views on a Human Rights assessment?
- vii. Against the backdrop of i-vi is there a continued place for SIDMA?
- viii. Against the backdrop i-vii is there a continued place for capacity assessment?
- ix. Is there to be a reworked/restated assessment? If so, what elements do we propose it should contain? Specifically, would it be an HR assessment or 'merely' contain HR elements?
- x. Against this whole backdrop, what are our views on supported decision making, what it means and its role in any assessment?
- xi. What are the advantages and any disadvantages to advanced planning. What may we wish to recommend in this regard?
- xii. Do we see Deprivation of Liberty as remit of this Group? If so, what are comments do we wish to make in this regard?

It was acknowledged that in making comment on any of these matters cognisance should be taken of other relevant Reviews and consultations to date.

Action: Jill to draft a paper collating all relevant review/consultation outcomes

Comments capture

There was discussion on elements of the above, comments include

- Should not be a restatement, should be a refresh
- For the protection of the rights of persons with MH/incapacity
- About extending capabilities, not regulating what practitioners can do
- Don't know what an HR assessment is
- Have an HR framework rather than an HR assessment per se
- How does this work for those with non-Mental Health disorders who may appear to be making an unwise decision, placing themselves at risk
- Not a problem with SIDMA per se but rather that it isn't defined and not well recorded
- Divergent views on SIDMA
- SIDMA confusing. Add mental disorder into risk criterion of a general assessment
- Advance planning should be mandatory
- Still need to have compulsory treatment option
- HR assessment appeals from social justice point of view but feels too grandiose. Something embodying HR but not an HR assessment per se.
- Has to be an assessment for particular outcome.
- What other assessment models in use? How would what we go for fit with others?

We don't have to reach consensus view. Opinions will be taken from wider Reference Group as well as wider general stakeholder engagement.

Review of assessment framework

The assessment framework was reviewed, largely to consider if the elements contained therein may form reframed principles. Time only permitted consideration of the first three elements. Various comment was made which is included in version 2 of the framework (attached)

Review SDM illustrations

An illustration of Supported Decision Making had been required, three options were proposed for review. None of them were felt to offer sufficient clarity. Various changes suggested. A further option will be presented (to follow).