

Mental Capacity (Amendment) Bill [HL]

AMENDMENTS TO BE MOVED ON REPORT

Schedule 1

BARONESS FINLAY OF LLANDAFF

Page 10, line 10, leave out “, other than care home arrangements,”

Page 10, line 33, leave out from beginning of line 33 to end of line 18 on page 12 and insert—

- “13 When the responsible body wishes to consider authorising arrangements, wherever a cared-for person is cared for, the manager of the place of care is responsible for ensuring that—
- (a) a medical assessment,
 - (b) a capacity assessment relevant to the decision on the proposed care, which has been conducted by a registered professional who has the appropriate experience and knowledge to conduct the assessment, and
 - (c) a proposed care and support plan,
- are supplied to the responsible body.
- 14 (1) Documents supplied by the manager of the place of care to the responsible body in relation to a decision to authorise arrangements must confirm that—
- (a) the cared-for person is aged 16 or over, and
 - (b) the arrangements proposed in the care and support plan—
 - (i) are necessary and proportionate to protect the cared-for person’s liberty as much as possible, and
 - (ii) meet the wishes and feelings of the cared-for person as far as possible, and
 - (c) the appropriate consultation has been conducted in accordance with section 4 of this Act.
- (2) Documents supplied by the manager of the place of care to the responsible body must state—
- (a) the length of time since the assessment was carried out;
 - (b) the purpose for which the assessment was carried out;

Schedule 1 - *continued*

- (c) whether there has been a change in the cared-for person's condition that is likely to affect the determination made in the assessment."

Page 12, leave out lines 20 to 24 and insert –

- “(1) Consultation on the care plan to be provided in cases where the responsible body is considering authorising arrangements must involve –
(za) the cared-for person,”

Page 13, line 2, leave out “or 13(d)”

Page 14, line 2, leave out “or 14(2)(b)(iii)”

Page 14, line 7, at end insert –

- “(5) A copy of the authorisation record and of the care plan must be provided to –
(a) the cared-for person, or
(b) their nominated representative, or
(c) their donee of lasting power of attorney, or
(d) a court-appointed deputy,
and to the care team providing care in the cared-for person's place of residence.”

Mental Capacity (Amendment) Bill [HL]

AMENDMENTS
TO BE MOVED
ON REPORT

9 November 2018
