

Mental Capacity & DoLS

Learning & Development Framework

July 2025

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Background

The Workforce Development Manager for Adult Social Work & Care in Learning Central and the Mental Capacity Act & Deprivation of Liberty Safeguards Lead Officer for CBC formed a working group to develop a learning and development framework for the Mental Capacity Act 2005 to support the staff in their learning. The Bournemouth University Mental Capacity Act Competency Framework was used to map learning opportunities and activities across all staff groups, and which focuses on what different groups need to demonstrate under each of the 5 principle areas.

Target Audience

This document is aimed at:

- Unqualified social care staff, provider managers, Professional social care staff, team managers, operational managers, heads of service, senior practitioners, contract teams, commissioners of services and Best Interests Assessors.
- Anyone else that it is relevant to in their role, whether paid or voluntary.

The Learning and Development Framework

All adult social care staff have statutory responsibilities to adhere to when acting or making decisions on behalf of people who lack the capacity to make those decisions for themselves. Those responsibilities are outlined in the Mental Capacity Act 2005 (MCA) supported by a Code of Practice which provides guidance and information about how the Act works in practice. In addition to initial training, ongoing MCA & DoLS learning is essential for all adult social care staff. The responsibility for ensuring staff are properly trained rests with their employers.

MCA competencies are grouped into levels A-E plus a Best Interests Assessors group. Different staff groups require different levels of competence depending on their roles, degree of contact with individuals, nature of their work and level of responsibility. The MCA competency framework is clear that all staff require at least Group A training and those staff who regularly support adults at risk should be between Groups B-C.

The MCA & DoLS Learning and Development Framework sets out a suite of learning packages and extra learning opportunities which will support the achievement of Mental Capacity Act and DoLS implementation across CBC and contribute to the effectiveness of adult social care over the coming years. The suite of learning packages will be hosted on the CBC learning platform, Success Factors.

The framework has been ratified by the Practice Governance Board.

Relationship with other Relevant/Related Frameworks

These competencies are designed to build on existing professional standards and requirements across the full range of delivery and professional settings. Where directly relevant, these have been cross-referenced and/or incorporated in the relevant staff group. These include;

- Knowledge and Skills Statement for Adult Social Workers (DH, 2014)
- National Safeguarding Adults Competency Framework (BU, 2016)
- Best Interests Assessor Capabilities (TCSW, 2014)
- Professional Capabilities Framework (PCF) (TCSW, 2012, updated BASW, 2015)
- Forensic Social Work Capability Framework (DH, 2016)
- PACE Code of Practice C (MoJ, 2012)
- Skills for Care Statutory and Mandatory Training
- CQC Regulation 13: Safeguarding service users from abuse
- Mental Capacity Act 2005 code of practice (Gov.uk)
- Deprivation of Liberty Safeguards (Code of Practice to supplement the MCA)
- The Care Act (2014)
- Mental Capacity Act 2005

Additional Learning

[The Toolkit - Mental Capacity Toolkit](#)

The above link will give you access to materials that have been created to help support health and social care professionals working with individuals whose decision-making capacity is limited, fluctuating, absent or compromised. This will provide a comprehensive guide to practice.

[Mental Capacity Act Resources | NCCDSW | Social Work Research](#)

The above link will give you access to the following individual resources:

[New Publication: Advance Decisions to Refuse Treatment | NCCDSW | Social Work Research](#)

[New Publication: Next of Kin - Understanding decision making authorities | NCCDSW | Social Work Research](#)

[New Publication: The Mental Capacity Act requirements for clinical decisions regarding treatment and care | NCCDSW | Social Work Research](#)

[New Publication: The Mental Capacity Act requirements for clinical decisions regarding treatment and care | NCCDSW | Social Work Research](#)

[New Publication: Advance Care Planning | NCCDSW | Social Work Research](#)

Recommended Training

Type of Training Recommended To Achieve Required Level Of Competency				
Training Level	MCA & DoLS eLearning	Mental Capacity Act Level 2 Training	Reading / Reflective Practice	BIA Training & Refreshers
Volunteers & Informal Carers	Yes	No	No	No
Group A: Care home staff, home care staff, Reablement staff, support workers, Day service staff, supported living staff, volunteers, personal assistants, service receptionists; administrators, social care customer service	Yes	No	No	No
Group B: Care home managers, CQC registered managers, home care coordinators & managers, supported living managers, Reablement managers, service managers, extra care managers, housing managers	Yes	Yes	No	No
Group C: NQSW's, OT's, Nurses, Physio's, Team Managers & Senior Practitioners, Other AHP's, LA Commissioners, LA Contract Managers	Yes	Yes	Yes	No
Group D: AMHP's, Social Workers	Yes	Yes	Yes	No
Group E: LA DoLS Authorisers, MCA & DoLS Leads, Board & Senior Management	Yes	Yes	Yes	Yes
Best Interests Assessors	Yes	Yes	Yes	Yes

National Competency Mental Capacity Act Framework Content for Staff Group A

Content	Does CBC Mental Capacity Act Training include this element?	
1. Presuming Capacity	MCA & DoLS eLearning	Other Training
Understand their roles and responsibilities in relation to the Mental Capacity Act 2005 and be able to explain this to others	Yes	
Knowledge of the first principle of the MCA and apply it to all interactions with people within their specific job role	Yes	
Understand the meaning of mental capacity in relation to how care is provided (CCS, standard 9.6)	Yes	
Application of the time-specific and decision-specific nature of mental capacity as it applies to interactions and job contexts	Yes	
Identify concerns that would lead to an assessment of capacity being made and articulate these	Yes	
Identify the specific decision in each case and who might be the most appropriate person to assess capacity where there is a concern evident	Yes	
Understand and apply organisational policies and procedures in relation to mental capacity and assessment of mental capacity	Yes	
Maintaining appropriate records where an assessment is necessary	Yes	
2. Helping the person to make their own decision		
Knowledge of the second principle of the MCA and staff responsibility to support people to make their own decisions wherever possible	Yes	
Recognise and respond to a person's communication needs and recognise when additional communication aids are needed (e.g. signers, interpreters, braille etc.)	Yes	
Providing information in a range of formats relevant to the person's needs and understanding (e.g. easy read, pictorial, audio etc.)	Yes	
Considering environmental or other factors that might impact on a person's capacity (e.g. time of day, noise levels, who else is present)	Yes	
Listening to individuals and allowing individuals time to communicate any preferences and wishes	Yes	
Utilising effective communication and engagement skills to maximise the person's capacity to make a decision	Yes	
Be able to recognise coercive behaviour and the impact that it may be having on someone's ability to make their own decisions	No	Domestic Abuse Training

Content	Does CBC Mental Capacity Act Training include this element?	
3. Unwise Decisions		
Knowledge of the third principle of the MCA and the individual's right to exercise freedom of choice and individuality	Yes	
Understand that people with capacity can make decisions others think are unwise	Yes	
Understand that a safeguarding referral may be needed even if a person has capacity and their consent for this should be sought wherever possible with decisions only being made in the person's best interests, where they are shown to lack capacity in relation to the decision	Yes	
Undertake risk assessments with the person as appropriate to role	No	Risk Assessment Training
Recognise the importance of record keeping	Yes	
Work within the Data Protection Act 1998 in relation to information sharing where risks are identified	Yes	
4. Best Interests		
Knowledge of the fourth principle of the MCA and how it should underpin any actions or decisions taken where a person has been shown to lack capacity for a specific decision	Yes	
Understand that best interests can only be considered if the person has been shown to lack capacity in relation to a specific decision and there is no alternative decision maker such as an Attorney	Yes	
Contribute to best interest decision-making processes relevant to role and relationship with the person in question	Yes	
Awareness of how personal values and attitudes can influence the understanding of situations	Yes	
Understand and apply organisational policies and procedures in relation to best interest decision-making processes	Yes	
See also "National Safeguarding Adults Competence Framework" staff group A for additional requirements where safeguarding is relevant		
See also PACE code of practice C para 1.4 & note 1G		
5. Less Restriction		
Recognise restrictions and consider whether these can be reduced	Yes	

Content	Does CBC Mental Capacity Act Training include this element?	
Recognise where restrictions are being placed on a person which may be out of proportion to the evident risk of harm and know how to raise a concern in relation to this	Yes	
Awareness, and application of, organisational policies and procedures in relation to any necessary restrictions relevant to role, and how and when these should be applied, reviewed and recorded	No	Within teams

National Competency Mental Capacity Act Framework Content for Staff Group B

Content	Does CBC Mental Capacity Act Training include this element?	
1. Presuming Capacity	MCA & DoLS eLearning & Level 2 Training	Other Training
Application of the principle in practice	Yes	
Understand policy and procedures and recognise that capacity should only be assessed where a concern about capacity is identified	Yes	
A working knowledge of how and when capacity should be assessed	Yes	
2. Helping the person to make their own decision		
Recognise the importance of communication skills and identify the tools and training needed to support different styles and forms of communication	Yes	
3. Unwise decisions		
Understand the meaning of "adult at risk" as defined in relevant policy guidance e.g. Care Act 2014 definition and undertake/supervise/oversee the assessment of risk in situations where a person's capacity is a concern, taking appropriate steps to support and/or safeguard as appropriate	Yes	Risk Assessment Training
Consideration of the most appropriate and proportionate response to restrictions on a person's rights and freedom of action	Yes	
4. Best Interests		
Knowledge of the section 4 best interests checklist and it is located with current legislation and policy including, but not limited to: Human Rights Act 1998, Safeguarding Adults, Dignity in Care, Deprivation of Liberty Safeguards 2009, Care Act 2014, Making Safeguarding Personal as they apply to the MCA as appropriate to role and context	No	Human Rights Act, Safeguarding, & Care Act Training
5. Less Restriction		
Know how to identify a deprivation of liberty	Yes	
Understand how to make a request for authorisation to the Local Authority	Yes	

Content	Does CBC Mental Capacity Act Training include this element?	
Understand when an urgent authorisation may be required and work within the organisational policies and procedures and the DoLS code of practice, making a request or providing advice for others to make a request as appropriate to role and context	Yes	
Recognise restrictive care and scrutinise whether it is necessary and proportionate to the risk of harm, challenging restrictive practices where appropriate	Yes	

National Competency Mental Capacity Act Framework Content for Staff Group C

Content	Does CBC Mental Capacity Act Training include this element?	
1. Presuming Capacity	MCA & DoLS eLearning & Level 2 Training	Other Training
A thorough knowledge and understanding of the Mental Capacity ACT (MCA) and Code of Practice and be able to apply these in practice. They should always begin from the presumption that individuals have capacity to make the decision in question (KSS5)	Yes	
Understand how to make a capacity assessment, the decision and time-specific nature of capacity and hence the need to reassess capacity appropriately. They should know when and how to refer on (KSS5)	Yes	
2. Helping the person to make their own decision		
Recognise where general or independent mental capacity advocates (IMCA) may be appropriate and beneficial to support a person to make a decision	Yes	
Use a range of communication methods to help people make their own decisions wherever possible	Yes	
Seek specialist communication support where necessary	Yes	
Understand how principle 2 links to the personalisation and Care Act 2014 responsibilities for supported decision making and co-productive approaches	No	Care Act Training
Understand their responsibilities for people who are assessed as lacking capacity at a particular time and must ensure that they are supported to be involved in decisions about themselves and their care as far as is possible. Where they are unable to be involved in the decision-making process, decisions should be taken in their best interests following consultation with all appropriate parties, including families and carers. Social workers must seek to ensure that an individual's care plan is the least restrictive possible to achieve the intended outcome (KSS5)	Yes	
Understand the likely impact of coercion on someone's mental capacity (regardless of whether they have an impairment of their mind or brain)	No	Domestic Abuse Training
3. Unwise decisions		

Content	Does CBC Mental Capacity Act Training include this element?	
Knowledge of the Human Rights Act 1998	Yes	Human Rights Act Training
Where there is no concern over capacity, social workers should take all practicable steps to empower people to make their own decisions, recognising that people are experts in their own lives and working alongside them to identify person-centred solutions to risk and harm, recognising the individual's right to make "unwise" decisions (KSS5)	Yes	
4. Best Interests		
Knowledge of the Care Act 2014 and the Wellbeing principle and their application in situations where mental capacity and best interests are in question	No	Care Act Training
5. Less Restriction		
Recognise restrictions being placed on an individual and assess whether these are proportionate to the person's needs and risks of harm	Yes	
Attend and contribute to investigations/meetings/information sharing	Yes	
Understand that the MCA exists to empower those who lack capacity as much as it exists to protect them. Social workers must model and lead a change of approach, away from where the default setting is "safety first", towards a person-centred culture where individual choice is encouraged and where the right of all individuals to express their own lifestyle choices is recognised and valued (KSS5)	Yes	

National Competency Mental Capacity Act Framework Content for Staff Group D

Content	Does CBC Mental Capacity Act Training include this element?	
1. Presuming Capacity	MCA & DoLS eLearning & Level 2 Training	Other Training
A detailed knowledge and understanding, including practice experience, of the first principle	Yes	
A working knowledge of the capacity assessment process	Yes	
Undertake complex capacity assessments and report findings to multi-disciplinary teams, commissioners or managers	Yes	
2. Helping the person to make their own decision		
Identify salient information, appropriate assessor, and advise colleagues in staff groups A-C, as appropriate to role and function, on MCA practice and supported decision-making	Yes	
Support people to plan for when they may lack capacity in the future, including knowledge of advance decisions, lasting powers of attorney and excluded decisions	Yes	
Use highly developed communication and rapport-building skills to help individuals make (or participate in) decisions for themselves	No	Competency (not a training need)
Recognise, assess and, where appropriate, intervene in situations where coercion is impacting on a person's ability to decide	No	Domestic Abuse Training
3. Unwise decisions		
A thorough understanding of positive risk and strengths-based approaches as a means of risk management in cases where individuals with capacity choose to make unwise decisions	No	Risk Assessment & Strength Based Approach Training

Content	Does CBC Mental Capacity Act Training include this element?	
Identify harm and risk of harm, and make appropriate referrals/seek support in order to safeguard adults or children, being aware of issues such as mental capacity and vulnerability	Yes	
4. Best Interests		
Chair best interests meetings where appropriate to role and context where it is deemed an independent chair or lead practitioner would be appropriate	No	Chairing SG Meetings
5. Less Restriction		
Recognise where care is restrictive and apply the principles of less and least restriction to assessments and treatment and care decisions	Yes	
Review and challenge restrictive practices in care provision and assess restrictions in terms of proportionality to the risk of harm	Yes	

National Competency Mental Capacity Act Framework Content for Staff Group E

The following are extra competencies and not training needs

Content
1. Presuming Capacity
Promote the principle of presumption of capacity within the team and/or organisation as appropriate to role
Scrutinise capacity assessments to ensure robustness of process and evidence as impacted by recent case law and policy updates
Ensure organisational policy and practice applies principle 1 within and across the organisation and where relevant multi-agency partners and partnerships
2. Helping the person to make their own decision
Provide leadership in relation to the promotion of supported decision-making, co-production and participation in care, treatment, and where appropriate to role and context, organisational and strategic development
Support and develop information and communication skills within the workforce, providing leadership in relation to engagement and relationship building with individuals and families as a means of maximising and supporting a person's ability to make/take part in decisions about them
3. Unwise decisions
Promote a culture of positive risk and risk management within the organisation and/or team, ensuring policy, procedures and practices support staff to take a rights-based approach to decisions and interventions
4. Best Interests
Chair and lead appropriate meetings and support the multi-disciplinary team in relation to issues of .. mental capacity
Scrutinise best interests' assessments within DoLS and/or Care Act assessments and apply best practice to decision making as set out in the MCA code and Care Act Statutory Guidance
Promote awareness of best interests and the factors that need to be considered, including consultation and recording, and ensure organisational policies and procedures are aligned to the requirements of the MCA to guide staff to work within the appropriate legislative framework
Identify and act in situations where a court of protection referral is needed to provide additional safeguards or to scrutinise and mediate complex decisions
Recognise the role of the OPG and support frontline staff to access the service as appropriate
5. Less restriction
Remain aware and up to date with processes, procedures and case law impacting on the MCA and DoLS practice and cascade these to staff groups as appropriate to role and context
Review and challenge restrictions placed on individuals and scrutinise proportionality of restrictions and potential deprivations of liberty
Liaise with and instruct solicitors, as appropriate to role, where an individual's rights are being infringed, and court of protection intervention is required

National Competency Mental Capacity Act Framework Content for Best Interest Assessors

Content	Does CBC Commissioned BIA Training include this element?
1. Presuming Capacity	
Key Capability 1: The ability to apply in practice, and maintain knowledge of relevant legal and policy frameworks	Yes
2. Helping the person to make their own decision	
Key Capability 3: The ability to take all practical steps to help someone to make a decision	Yes
3. Unwise decisions	
Key Capability 6: The ability to effectively assess risk in complex situations, and use analysis to make proportionate decisions	Yes
4. Best Interests	
Key Capability 5: The ability to make informed, independent best interests' decisions within the context of a Deprivation of Liberty Safeguards (DoLS) assessment	Yes
5. Less restriction	
Key Capability 4: The ability to balance a person's right to autonomy and self-determination with their right to safety, and respond proportionately	Yes

Mental Capacity and Best Interest Decisions Annual Competency Form (found in annual competency folder in SharePoint)

Can the staff member explain

Understand their roles and responsibilities in relation to the Mental Capacity Act 2005 (MCA) and be able to explain this to others.	YES / NO
How do you identify the specific decision the person being supported is making, and who might be the most appropriate person to assess capacity where there is a concern evident.	YES / NO
Understand and apply organisational policies and procedures in relation to mental capacity, assessment of mental capacity, and best interest decision-making processes.	YES / NO
Knowledge of the first principle of the MCA (presumption of capacity) and apply it to all interactions with people within their specific job role	YES / NO
Knowledge of the second principle of the MCA (All practicable steps to support decision making) and staff responsibility to support people to make their own decisions wherever possible.	YES / NO
Knowledge of the second principle of the MCA (All practicable steps to support decision making) and staff responsibility to support people to make their own decisions wherever possible.	YES / NO
Knowledge of the second principle of the MCA (All practicable steps to support decision making) and staff responsibility to support people to make their own decisions wherever possible.	YES / NO
Knowledge of the fifth principle of the MCA (less restrictive options) and how to recognise and consider whether these can be reduced.	YES / NO

If you have not selected YES to every question, this competency is not passed. Action or training should be given immediately, and a new competency check completed once this is done.

I confirm that this competency check has been completed to a satisfactory standard today.

Staff Member Supervising Competency	
Staff Member Being Supervised for this Competency	
Date of Competency Check	

Acknowledgements

Thank you to the Mental Capacity Act & Deprivation of Liberty Safeguards Lead Officer in CBC for their support in mapping the National Framework to CBC's training in this Learning Framework and to everyone else that facilitates, supports and attends the relevant training for your continuing enthusiasm for learning.

**Central
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