

## The end of 2022 and the promise of 2023

The close of 2022 confirmed that embedding legislation is a complex and lengthy process. With reference to the Mental Capacity Act, recent review work I have undertaken in England and Wales would suggest that the prevailing practice of stating without explanation that a person “has capacity” is unduly tolerated in some organisations. Regular, relevant and practical in-service training, in-hand with stimulating professional training, could address this. However, the question, “Capacity to do what?” may provide a single prompt to training. In fact, I suggest that this should be one of the Forum’s long-term objectives – encouraging colleagues, relatives and friends to respectfully ask this question if ever they hear the incomplete assertion, “s/he has capacity.”

In addition, the gap between the statutory principles and local practice appears wide, most particularly as I engage with specialist clinicians and professionals in England and Wales. Since we are all embedded in organisations and families with norms and values we are all engaged with very particular matters. Their challenges range from making sense of a “Do Not Attempt Cardio-Pulmonary Resuscitation” recommendation for a middle-age person with a learning disability returning from hospital to a service where they are supported by social care staff; backing away from the loud assertions of a woman subjected to intimate partner violence that she intended to return to him; setting aside the fierce criticism concerning gender dysphoria to address the deeply human needs of the individuals concerned; and questioning whether an adult with dementia hurriedly moved from hospital to a permanent place in a care home [NHS England *Hospital Discharge and Community Support Guidance*, 2022] was enabled to contribute to the decision. Necessarily such examples deal with specific events within specific organisations. However, they do point to some enduring themes. As pressure on organisations is considerable, we can and should develop anonymised examples of such challenging practices to stimulate in-house learning, professional training and debate. Even better if such examples are complemented with practical ideas of transferring practice across circumstantial gaps from which we all might draw inspiration and insight.

A principal Forum aim concerns the older residents of care homes and Do Not Attempt Cardio-Pulmonary Resuscitation recommendations. This was identified as a topic that merited a consensus statement at the Essex Autonomy Project’s Summer School. It accounted for the Forum’s first webinar of 2022 and hinges on the willingness of self-identified participants to contribute regional policies and those of their organisations for analysis. This work is not the whole story concerning DNACPR recommendations. The “chat” and questions asked during the webinar sought to explore the implications for younger people with different types of support needs. I believe that the consensus statement will address *the particulars* relating to older people in care homes as well as highlight *the universals*, that is, the more timeless themes that transcend settings and will help to transfer knowledge beyond *the particulars*.

At the beginning of 2023, clarity concerning the introduction of Liberty Protection Safeguards is keenly awaited. Discussions would suggest that uncertainties concerning

young adults and adults with different support needs are incubating impatient remedies and are potentially overwhelming local authority solicitors.

I am encouraged that the Forum is becoming more inclusive and the expectations of its members are more explicit. The Forum's engagement with the Office of the Public Guardian has begun. Since it was established the OPG has witnessed year on year increases in its workload. February 2023 heralded the launch of OPG's new standards for lay deputies, public authority deputies and professional deputies. Check these out at:

<https://www.gov.uk/government/collections/opg-deputy-standards-documents> (accessed on 19 February 2023)

Finally, I am in discussion with a staff team supporting a man with a learning disability. He has decided that he wants a tattoo. This prompted questions about whether he was aware of the mandate "Think before you ink" or of the condition "Tattoo regret." Keen to downplay personal squeamishness, I have asked about the "practicable steps" being undertaken in addition to him selecting the design he wants and, as critically, where he wants it. Watch this space for the outcome!