The Mental Capacity Act 2005 in Practice: Capacity, Consent and Best Interests: Facilitator Pack

THE TALKING THERAPIES UK FACILITATOR PACKS



The Mental Capacity Act 2005 in Practice: Capacity, Consent and Best Interests: Facilitator Pack

Teaching the course to a group

A facilitator pack · 6 sessions · for trainers

TALKING THERAPIES UK

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First edition, 2026.

This pack accompanies the course “The Mental Capacity Act 2005 in Practice: Capacity, Consent and Best Interests” on Talking Therapies UK Training & CPD and its course book. It is drawn from the course and is kept current with it: whenever the course changes, the pack is set again.

This printing was set on 27 October 2026 from the course as it stood that day.

A note on teaching from this pack. It supports qualified trainers and supervisors teaching within their competence. Running the course from it does not award the course’s CPD certificate, which participants gain by completing the course online.

Set in Poppins and Roboto, the Talking Therapies UK typefaces.

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How to use this pack

This pack is for trainers and supervisors who teach the Talking Therapies UK course “The Mental Capacity Act 2005 in Practice: Capacity, Consent and Best Interests” to a group: a session for each of its 6 modules, with timed plans, the points to draw out, group activities and discussion questions, the course’s assessment with answers, an attendance register and an evaluation form.

Part 1 sets out the course and how to plan it. Part 2 has a timed plan for each session, built from the course’s own modules, lessons and practice tasks; read it with the module it teaches. Part 3 holds the course’s assessment with its answers, an attendance register and an evaluation form.

What this pack covers

- Plan the course as 6 sessions
- Follow a timed plan for each session
- Draw out each lesson’s key points
- Run each lesson’s practice task as a group activity
- Check understanding with the course’s own questions
- Keep a register and gather evaluations

PART 1

Planning the course

What the course covers, who it is for, and how to run it.

CHAPTER 1

About The Mental Capacity Act 2005 in Practice: Capacity, Consent and Best Interests

This premium programme is a comprehensive, practice-focused course on the Mental Capacity Act 2005 for psychological therapists, counsellors, psychotherapists and allied practitioners in England and Wales. It is written for practitioners who need to know when a person can decide for themselves, how to help them to do so, how decisions are made when they cannot, and where the law's protections and limits lie.

The course is current to October 2026. It teaches the capacity test as the Supreme Court framed it in A Local Authority v JB, the leading cases on best interests, wishes and feelings, and the courts' guidance on capacity for specific decisions such as residence, contact, sexual relations, marriage and social media. It explains the Supreme Court's judgment of 2 June 2026, which replaced the Cheshire West acid test for deprivation of liberty with a multifactorial assessment and recognised valid consent as a distinct concept, together with the Department of Health and Social Care's guidance of June and September 2026. It states clearly that the Liberty Protection Safeguards have not been implemented and that the 2007 Code of Practice remains in force while a revised Code is awaited.

Across six modules and thirty lessons you will study the purpose and principles of the Act and its rights context; framing decisions, conducting assessments and the use or weigh limb; mental disorder, distress and capacity; best interests decision-making, consultation, conflict, restraint and decisions about therapy; lasting powers of attorney, advance decisions and statements, the Court of Protection, deputies and advocacy; young people and parental responsibility; the interface with the Mental Health Act 1983; deprivation of liberty in outline; coercion and the inherent jurisdiction; fluctuating and contested capacity; and recording, liability, research, reform and supervision-level practice.

Every lesson contains a worked clinical example, the common pitfalls in practice and a reflective question, together with key points, a practice task for the week, study activities and further reading. The course includes an extended case study, a glossary and a 25-question assessment with a pass mark of 80 per cent. Every reference has been checked against its publisher, legislation.gov.uk, the National Archives or the issuing body.

The course treats the Act as an instrument of empowerment as well as protection. It is clear throughout about who makes which decisions, about what the law requires of practitioners, and about where therapists contribute most: in supporting people to decide for themselves and in making sure that their wishes, feelings, beliefs and values shape the decisions made for them. It asks you at each stage to check the current position, because this area of law is changing.

By the end of the course, participants will be able to

- Explain the purpose, principles and human rights context of the Mental Capacity Act 2005, including the debate about supported decision-making.
- Frame a decision, identify the relevant information and conduct a capacity assessment that applies the functional test and the causative nexus correctly.
- Assess and support capacity to consent to psychological therapy and to information sharing, including for people with cognitive impairments.
- Make and contribute to best interests decisions that give proper weight to the person's wishes, feelings, beliefs and values and to the views of others.
- Apply the rules on restraint, least restriction and acts in connection with care, and contribute to reducing restrictive practice.
- Explain lasting powers of attorney, advance decisions to refuse treatment, advance statements, deputies, the Court of Protection and statutory advocacy.
- Apply the law to young people aged 16 and 17 and to children under 16, including Gillick competence and the limits of parental responsibility.
- Distinguish the roles of the Mental Capacity Act and the Mental Health Act, and explain deprivation of liberty after the Supreme Court's 2026 judgment.
- Recognise coercion and undue influence and explain the inherent jurisdiction and the interface with adult safeguarding.
- Record, govern and audit capacity practice, and keep practice current while the Code of Practice and the safeguards are reformed.

Who it is for

The course is pitched at experienced practitioners working with complex presentations, who already use the approach in their practice.

At a glance

- 6 sessions of about 210 minutes, one for each of the course's modules.
- The online course is accredited for 30 hours of CPD.
- Each participant needs the course book, or access to the online course, for reading between sessions.

CHAPTER 2

Planning the sessions

Run one session for each module, a week or a fortnight apart, so that participants can read the module and try its practice task between sessions. The sessions can also be run as a block over two or three days.

OVERVIEW

The course at a glance

Session	Module	Lessons	Time
1	Foundations: principles, the test and its rights context	5	210 minutes
2	Assessing capacity	5	210 minutes
3	Best interests decision-making	5	210 minutes
4	Planning ahead and substitute decision-makers	5	210 minutes
5	Complex situations and interfaces	5	210 minutes
6	Accountability, reform and supervision-level practice	5	210 minutes

The group

- Six to sixteen participants: enough for small-group work, few enough for everyone to contribute.
- Agree ground rules at the first session: confidentiality, respect for different experience, and how participants will speak about their own clients (with nothing that could identify them).
- Ask before the course about access needs, and send any reading a week ahead.

What you need

- A copy of this pack, and the course book or the online course for each participant.
- A flipchart or whiteboard, and space for groups of three or four to work.
- Printed copies of the attendance register and the evaluation form in Part 3, which you may copy for the groups you run.

Keeping it safe

Training about psychological difficulties can bring up participants' own experience. Say at the start that anyone may step out, have someone available to talk to afterwards, and know where to point a participant who is struggling: their GP, their own supervisor or employee assistance programme, or Samaritans on 116 123.