

Capacity and Liberty Assessor

Department: Health and Community Services

Division: Adult Mental Health

Reports to: Team Manager – Legislation team

JE Ref: HCS552

Grade: CS11

JE Date: 19/06/2020

Job purpose

The Capacity and Self Determination (Jersey) Law 2016 (the CSDL) took effect on 1st October 2018. The CSDL provides legal safeguards for people who lack capacity in Jersey and heralds a significant reform in the delivery of health and community services on the island. The CLA is an essential role to enable the Minister and health and social care professionals and providers to be compliant with the CSDL and the Human Rights (Jersey) Law 2000.

The CLA is a new role and is at the forefront of implementing the CSDL and ensuring compliance with the law. The CLA is responsible for ensuring that restrictions in place to protect people who lack capacity to consent to their care and treatment are appropriate, proportionate and legally compliant. There was previously no equivalent role in Jersey and responsibility for these tasks was with the professionals working within the CSDL project implementation team.

Job specific outcomes

The post holder will have the following responsibilities:

1. Work with the Team Manager, Mental Health and Capacity Law Administrator, partner agencies and provider networks to develop, manage and co-ordinate processes that assure compliance with Part 5 of the CSDL across all public sectors in Jersey.
2. Ensure that the primacy of clients is recognised and respected under the best interests process as defined in the CSDL, associated legislation and Codes of Practice.
3. Ensure the effective and timely planning and execution of statutory assessments, using specialist analytical skills and knowledge to assess situations, and make highly complex judgements on what decisions to make for individuals who are subject to significant restrictions on liberty. This can often be in situations where there are high levels of complexity, uncertainty, stress, and conflicts of interest.

4. Conduct assessments exploring individuals' lives and circumstances holistically and ensuring that care responses are proportionate and necessary. Ensure a person-centred approach which is underpinned with working methods that aim to promote empowerment and best interests.
5. Develop, manage and co-ordinate quality assurance guidelines, measures and controls within the legislative framework to gather and provide information and data in support of the Mental Health and Capacity Law Administrator's responsibilities to report to the Minister and States Assembly.
6. Develop, manage and co-ordinate practice guidelines for professionals from different disciplines both internal and external to Health and Community Services.
7. Contribute to generalist and specialist training for a wide group of stakeholders in relation to the principles of capacity and self-determination and associated legislation.
8. Support the practice excellence of colleagues with the provision of highly specialised advice pertaining to the role and its accountabilities.
9. Provide specialist assessments in the most complex cases that pertain to the role and its associated functions.
10. Undertake research, data analysis and surveys to inform business and team development.
11. Support the implementation of the CSDL and undertake projects related to the enactment of the law, ensuring agreed business plan objectives are delivered within the structured governance framework.
12. Maintain the highest standards of personal and professional conduct while adhering to the standards and code of conduct of their registrant professional body, policies and procedures and relevant legislation. Ensure that members of the public and other professionals have confidence in the service.
13. Carry out other duties as requested by the Team Manager or other relevant Senior Officers.

Statutory responsibilities

- The post-holder must comply with all relevant Government of Jersey law including the CSDL, the Mental Health (Jersey) Law 2016, the Health and Safety at Work (Jersey) Law 1989, the Data Protection (Jersey) Law 2018 and associated legislation, standing orders, financial directions and relevant codes of practice.
- This role is politically restricted. The post-holder is not permitted to undertake political activity involving standing for election to the Government of Jersey or as a Parish Constable, or publicly supporting someone who is standing for election or playing a public part in any political matter.

- This post has a significant impact on Health and Community Services' ability to implement and enact the CSDL, which now has statutory legal effect. The post-holder will work across a number of departments and independent sector organisations.
- The post-holder will occupy a high profile and distinctive professional role with a responsibility for promoting human rights and capacity legislation, safeguarding citizens of Jersey who may need support with decision-making.
- The post holder is a key agent in the development and enactment of practice excellence, using the CSDL to enable the Minister to fulfil their statutory functions under the CSDL and Human Rights (Jersey) Law 2000.

Statutory responsibilities

Active engagement, participation and compliance with any other statutory responsibilities applicable to the role, as amended from time to time.

<Delete the following statement if not applicable>

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Organisation chart

Insert an organisation chart showing this role and its line managers and reports (individual names must not be included only post titles)

Person Specification

Specific to the role

Describe the knowledge, skills, experience, and qualifications required to perform the job to a satisfactory standard.

It is important to convey what the job requires, rather than what an individual might have, as these may be different. For example, you may have a postgraduate level qualification, however, an A' Level standard qualification is the requirement for the job.

ATTRIBUTES	ESSENTIAL	DESIRABLE
<p>Qualifications <i>Please state the level of education and professional qualifications and / or specific occupational training required.</i></p>	<p>A recognised professional qualification in health or social care.</p> <p>Registration with the appropriate UK professional governing body and local registration with the Jersey Care Commission.</p> <p>Enhanced DBS clearance.</p> <p>Capacity and Liberty Assessor ("CLA") or Best Interests Assessor ("BIA") training certificate.</p>	
<p>Knowledge</p>	<p>Highly developed specialist knowledge underpinned by theory and</p>	

<p><i>This relates to the level and breadth of practical knowledge required to do the job (e.g. the understanding of a defined system, practice, method or procedure).</i></p>	<p>relevant experience, demonstrated by holding the CLA training certification (or equivalent). The post is dependent on maintaining this qualification via annual training.</p> <p>A detailed understanding of the CSDL with a focus on capacity assessment, best interests decision-making and significant restriction on liberty, and an understanding of the operation of civil courts.</p> <p>Knowledge of Health and Community Services policies and procedures, including an understanding of the application of safeguarding principles and policy across the organisation.</p> <p>Understanding of the management of risk when supporting vulnerable people in hospital and community settings, and of making complex decisions concerning risks that may be disputed in court.</p> <p>Understanding of maintaining records according to confidentiality and data protection protocols.</p>	
<p>Technical / Work-based Skills <i>This relates to the skills specific to the job, e.g. language fluency, vehicle license etc.</i></p>	<p>Excellent analytical, interpretative and research skills in addition to report writing and presentation skills.</p> <p>High level of computer literacy and a very good knowledge of Microsoft Office applications and other role-critical software.</p>	

	Organisational and administrative skills.	
<p>General Skills/Attributes <i>This relates to more general characteristics required to do the job effectively, e.g. effective written communication skills, ability to delegate, motivation or commitment etc.</i></p>	<p>Able to work autonomously, with the capacity for independent, responsible, professional decision making, often whilst under considerable pressure</p> <p>Able to support training delivery and organise multi-agency events and workshops, including educating stakeholders on associated legislative principles and practices as well as policies and procedures that are pursuant to the role.</p> <p>Able to process complex facts or situations requiring analysis, interpretation, and comparison of a range of potential statutory outcomes.</p> <p>Be a team player, contributing knowledge and expertise to all aspects of work carried out by the Department as required to achieve departmental and corporate objectives.</p> <p>Ability to communicate calmly and clearly using a variety of media on sensitive and complex issues, including legislation, often in emotive situations.</p> <p>Ability to facilitate the involvement of a range of stakeholders (public and private sector) to deal effectively with complex</p>	

	<p>issues relating to vulnerable service users.</p> <p>Able to follow policy and understand the implications and ramifications of decisions outside of their own area of responsibility.</p> <p>Highly resilient – good coping mechanisms for dealing with challenging, stressful and emotional situations.</p>	
<p>Experience <i>This is the proven record of experience and achievement in a field, profession or specialism. This could include a minimum period of experience in a defined area of work if required by an external body (for example a period of post-qualification experience).</i></p>	<p>A minimum of two years' post-qualification experience as a registered health or social care professional.</p>	<p>Experience of supporting practice learning and development or line management experience, either in operational or practice matters.</p> <p>Proven ability to influence a wide range of people both in and outside to the applicant's department, demonstrating that they possess a high level of interpersonal and communication skills.</p>
<p>Criteria relating to Safeguarding <i>Other requirements needed to confirm suitability to work with vulnerable people e.g. attitudes, skills, experience etc.</i></p>	<p>Enhanced DBS Registration with Social Work England or equivalent</p> <p>This post is also subject to annual refresher training and development.</p>	

Knowledge, Training and Experience

Level 6: *Specialist knowledge across the range of work procedures and practices, underpinned by theoretical knowledge or relevant practical experience.*

Specialist knowledge *refers to a level of knowledge and expertise which can be acquired through either in-depth experience or theoretical study of a broad range of techniques/processes relating to the knowledge area. This equates to post-registration/graduate diploma level or equivalent in a specific field. This level also refers to the specialist organisational, procedural or policy knowledge required to work across a range of different areas. The jobholder is influential within the organisation in matters relating to his/her area and provides detailed advice to other specialists and non-specialists.*

Level 7: *Highly developed specialist knowledge across the range of work procedures and practices, underpinned by theoretical knowledge and relevant practical experience.*

Highly developed specialist knowledge refers to knowledge and expertise which can only be acquired through a combination of in-depth experience and postgraduate or post registration study, such as that obtained through a master's degree or equivalent experience/ qualification or doctorate, or significant formal training or research in a relevant field, in addition to short courses and experience. Jobs requiring a doctorate or equivalent knowledge as an entry requirement such as medical, dental, scientific or specialist management qualifications should be assessed at this level as a minimum.

Core Accountabilities, Attributes and Behaviour Indicators

Delete as appropriate:

Appointees to this role will be required to adhere to and perform their duties in line with the standards identified in the States of Jersey tier 1 to 3 core accountabilities, attributes and behaviour indicators.

Appointees to this role will be required to adhere to and perform their duties in line with the standards identified in the States of Jersey tier 4 core accountabilities attributes and behaviour indicators.

Appointees to this role will be required to adhere to and perform their duties in line with the standards identified in the States of Jersey tier 5 core accountabilities attributes and behaviour indicators.

Appointees to this role will be required to adhere to and perform their duties in line with the standards identified in the States of Jersey tier 6 core accountabilities attributes and behaviour indicators.

The standards relevant to this tier, identified in the States of Jersey core accountabilities attributes and behaviour indicators, are to be attached in a separate document.