



Email:

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Dear,

I am writing in response to your enquiry under the Freedom of Information Act 2000 (FOIA) reference FOI 240617.

Firstly, please accept my sincere apologies for the delay and inconvenience you have experienced regarding this request. In this instance, the Trust has not responded to your request within the required 20 days, and for this I apologise. At the time of writing the Trust continues to receive high volumes of FOI requests, many of which have been complex and time consuming.

We are also in receipt of a formal complaint received from the ICO relating to this FOI. In accordance with their request, we will be providing a full explanation of events together with a copy of this response for their files. This action will be completed under separate cover.

You requested the following information, please also see our responses below:

I request the following information under the Freedom of Information Act (2000).

Training and Education:

- **Please provide documents detailing the training programs on mental capacity assessments for paramedics, including the number of hours dedicated to this training.**
 - Mental Capacity Act training is provided via the Trust's e-learning platform. Completion is a requirement for all clinical staff during 2024/25 and takes 60-90mins to complete.
 - There are no documents detailing the training program available.

- **What specific content is covered in training sessions on the Mental Capacity Act (2005) for paramedics?**
 - The objectives of the Trust's e-learning module are:
 1. Define Mental Capacity.
 2. List the five underlying principles of the Mental Capacity Act.
 3. Explain what decisions are covered by the Mental Capacity Act.
 4. Describe who may make decisions and how.
 5. Outline who is affected by Deprivation of Liberty Safeguards.
 6. Understand Trust Guidance on Capacity and Consent.

Guidance and Protocols:

- **Copies of any guidelines or protocols provided to paramedics for conducting mental capacity assessments in pre-hospital settings.**

Please see attached document(s):

- *Mental Capacity Act Policy v5.0*
- *Safeguarding Referrals Procedure*
- **Are there any decision-making frameworks or tools recommended for use by paramedics in emergency situations? If so, please provide these documents.**
 - NHS England Safeguarding app is available on all staff iPads.
 - The assessment approach provided for in the attached 'paper record' forms is replicated in the EPCR input.

Please see attached document(s):

- *Mental Capacity Assessment Form*
- *Best Interest Plan Form*
- *EPCR 2023 MCA Functionality Improvements*

Incident Reporting and Outcomes:

- **The number of incidents reported in the past five years related to mental capacity assessments conducted by paramedics.**
 - The Trust risk management system (RMS) does not include a specific categorisation for incidents related to MCAs conducted by paramedics.
 - Considering this, a keyword search was performed.
 - This applying to the full years 2019-2023 and the part year to June 2024.
 - The keywords were 'MCA' and 'Mental Capacity Assessment'.
 - A total of 96 incident reports were returned.

Please note: This search output denotes only that the keywords above appeared in an incident record. This alone does not provide for correlation that an MCA conducted by a paramedic was the primary cause or risk factor that resulted in the creation of any proportion of these incident records.

- **Summary reports or documents detailing the outcomes of these incidents, including any changes implemented as a result.**
 - There are no reports, documents, or similar statistical information, which details the outcomes of these incidents.
 - Every incident reported via the Trust RMS is investigated. Incidents are not closed by risk management until the investigation is complete, recommendations made for individual, departmental, or organisational learnings and/or actions, as appropriate. No aggregated output of learning or actions exists.
 - Each incident is assigned an Incident Manager, who may either investigate the report themselves or, appoint an additional colleague or colleagues to lead investigations.

Continuous Improvement and Evaluation:

- **Reports or statistics on the evaluation of paramedics' performance in mental capacity assessments, including any post-training assessments or audits conducted.**
 - SECAmb does not hold this information.
- **Any documents outlining ongoing initiatives aimed at improving the accuracy and reliability of mental capacity assessments by paramedics.**
 - During 2024/25, the Trust's Clinical Audit Team are undertaking an audit of current MCA practice.
 - The data attainment and standards setting for the MCA audit is currently under development, so is not available to supply.
 - The Clinical Audit Plan – of which this MCA audit forms part – highlighted three possible lines of enquiry;
 - MCA when capacity is in doubt,
 - MCA in mental health incidents, and
 - MCA in incidents involving suicide in young people.
 - During 2023/24 the MCA section of the Electronic Patient Care Record (EPCR) was reviewed and updated, to promote appropriate functionality.

Please see attached document(s):

- *EPCR 2023 MCA Functionality Improvements*

Legal and Ethical Considerations:

- **Information on any legal cases or disputes involving mental capacity assessments conducted by paramedics in the past five years.**
 - Over the last five years, the Trust has been involved in a number of inquests where assessment of mental capacity has been examined. Whilst we cannot give details of individual cases, recurrent themes include assessment of those who are;
 - (i) under the influence of drugs or alcohol,
 - (ii) suicidal or in mental health crisis, and
 - (iii) anorexic.
 - The most regular questions to be examined are whether the patient had the capacity to refuse to be examined, refuse treatment and/or refuse conveyance to hospital.
- **Copies of any internal reviews or assessments of the legal and ethical implications of mental capacity assessments in pre-hospital care.**
 - There are no cases known within the Trust.

Support and Resources:

- **Details of support resources available to paramedics for conducting mental capacity assessments, such as consultation services with senior medical staff or access to telemedicine services.**
 - Safeguarding On-Call is available to provide 24/7 MCA advice where required.
 - The JRCALC Plus (Joint Royal Colleges Ambulance Liaison Committee) app has “Mental Capacity Act - A pocket guide for ambulance staff”, as well as a section called “Mental Capacity Act 2005 updated in Oct 2022”.
- **Copies of any educational materials or resources provided to paramedics to support their understanding and application of the Mental Capacity Act (2005).**

Please see attached document(s):

- *Signposting for MCA Resources.*
- *L3 Safeguarding - Resources Document April 2023.*

Please note: For 2024/25 and beyond, the annual cycle of review for L3 Safeguarding resource documentation has been replaced by a system of continual update. Up to date safeguarding resources are now produced – as required for individual training occurrences – that staff can access when alongside undertaking the training. The 2023 version has been included as the most recent standalone document, to demonstrate the type of material and resource provided for paramedics, as per your request.

Further information

As a Trust SECamb acknowledges and understands its statutory legal obligations around the completion of Freedom of Information requests. It further supports the process through a fully functioning publication scheme where responses, in an anonymised formats are uploaded onto our public website.

It has a robust internal FOI process in place whereby all requests are initially reviewed. and forwarded to the appropriate stakeholder portfolio to provide the requested information. Information is collated, with all responses undertaking a vigorous review and sign off process prior to sending. This review process also includes the associated portfolio Director and Trust FOI Lead.

Whilst writing I would like to confirm that as part of the Trusts Quality Improvement and Continuous Improvement programme, 2 separate reviews of the FOI process has been undertaken. These reviews have been used to identify opportunities for improvement and are set to continue over the coming year.

Once again, please accept my apologies for the inconvenience caused in relation to completing your request.

If for any reason you are dissatisfied with our response, kindly in the first instance contact Caroline Smart, Head of Information Governance via the following email address:

FOI@secamb.nhs.uk

Yours sincerely

Freedom of Information Coordinator
South East Coast Ambulance Service NHS Foundation Trust