



**Level 3 Award in Awareness of the  
Mental Capacity Act 2005**

**Qualification Specification**

# Contents

	<b>Page</b>
Introduction	3
Qualification profile	4
Qualification structure	4
Centre requirements	5
Support for candidates	5
Assessment	6
Internal quality assurance	6
Adjustments to assessment	6
Results enquiries and appeals	7
Certification	7
Learning Outcomes and Assessment Criteria	8

## Introduction

The **Level 3 Award in Awareness of the Mental Capacity Act** qualification provides the knowledge and understanding required by candidates to provide care and treatment to individuals in accordance with the value base that underpins the Act.

The awarding organisation for this qualification is ProQual Awarding Body and the regulatory body is the Office of Qualifications and Examinations Regulation (Ofqual). The specification for these qualifications has been approved by the Welsh Government for use by centres in Wales and by the Council for the Curriculum Examinations and Assessment (CCEA) for use by centres in Northern Ireland.

This qualification has been accredited onto the Regulated Qualifications Framework.

## Qualification Profile

Qualification title	<b>ProQual Level 3 Award in Awareness of the Mental Capacity Act</b>
Ofqual qualification number	601/1464/2
Level	Level 3
Total qualification time	30 Hours (28 GLH)
Assessment	Pass or fail Internally assessed and verified by centre staff External quality assurance by ProQual verifiers
Qualification start date	1/10/13
Qualification end date	

## Entry Requirements

There are no formal entry requirements for this qualification.

Centres should carry out an **initial assessment** of candidate skills and knowledge to identify any gaps and help plan the assessment.

## Qualification Structure

Candidates must complete the Mandatory unit.

Mandatory			
Unit Reference Number	Unit Title	Unit Level	GLH
L/504/8409	Awareness of the Mental Capacity Act 2005	3	28

## Centre Requirements

Centres must be approved to offer this qualification. If your centre is not approved please complete and submit form **ProQual Additional Qualification Approval Application**.

### Staff

Staff delivering this qualification must be appropriately qualified and occupationally competent.

### Assessors/Internal Quality Assurance

For each competence-based unit centres must be able to provide at least one assessor and one internal quality assurance verifier who are suitably qualified for the specific occupational area. Assessors and internal quality assurance verifiers for competence-based units or qualifications will normally need to hold appropriate assessor or verifier qualifications, such as:

- Award in Assessing Competence in the Work Environment
- Award in Assessing Vocationally Related Achievement
- Certificate in Assessing Vocational Achievement
- Award in the Internal Quality Assurance of Assessment Processes and Practices
- Certificate in Leading the Internal Quality Assurance of Assessment Processes and Practices

## Support for Candidates

Materials produced by centres to support candidates should:

- enable them to track their achievements as they progress through the learning outcomes and assessment criteria;
- provide information on where ProQual's policies and procedures can be viewed;
- provide a means of enabling Internal and External Quality Assurance staff to authenticate evidence

## Assessment

Candidates must demonstrate the level of knowledge described in the unit. Assessment is the process of measuring a candidate's knowledge and understanding against the standards set in the qualification.

Assessment guidance is included to assure consistency.

Each candidate is required to produce evidence which demonstrates their achievement of all of the learning outcomes and assessment criteria for each unit.

Evidence can include:

- assignments/projects/reports
- worksheets
- portfolio of evidence
- record of oral and/or written questioning
- candidate test papers

**Learning outcomes** set out what a candidate is expected to know, understand or be able to do.

**Assessment criteria** specify the standard a candidate must meet to show the learning outcome has been achieved.

*Learning outcomes and assessment criteria for this qualification can be found from page 8 onwards.*

## Internal Quality Assurance

An internal quality assurance verifier confirms that assessment decisions made in centres are made by competent and qualified assessors, that they are the result of sound and fair assessment practice and that they are recorded accurately and appropriately.

## Adjustments to Assessment

Adjustments to standard assessment arrangements are made on the individual needs of candidates. ProQual's Reasonable Adjustments Policy and Special Consideration Policy sets out the steps to follow when implementing reasonable adjustments and special considerations and the service that ProQual provides for some of these arrangements.

Centres should contact ProQual for further information or queries about the contents of the policy.

## Results Enquiries and Appeals

All enquiries relating to assessment or other decisions should be dealt with by centres, with reference to ProQual's Enquiries and Appeals Procedures.

## Certification

Candidates who achieve the requirements for the qualification will be awarded:

- A certificate listing the unit achieved, and
- A certificate giving the full qualification title -

**ProQual Level 3 Award in Awareness of the Mental Capacity Act 2005**

### Claiming certificates

Centres may claim certificates for candidates who have been registered with ProQual and who have successfully achieved the requirements for the qualification. All certificates will be issued to the centre for successful candidates.

### Replacement certificates

If a replacement certificate is required a request must be made to ProQual in writing. Replacement certificates are labelled as such and are only provided when the claim has been authenticated. Refer to the Fee Schedule for details of charges for replacement certificates.

## Learning Outcomes and Assessment Criteria

### Unit L/504/8409

### Awareness of the Mental Capacity Act 2005

Learning Outcome - The learner will:	Assessment Criterion - The learner can:
1 Understand the importance of the Mental Capacity Act 2005	1.1 Explain why legislation is necessary to protect the rights of individuals who may lack the capacity to make decisions for themselves
	1.2 Describe the factors which may lead to an individual lacking the capacity to make a particular decision for themselves
	1.3 Explain how the Mental Capacity Act 2005, <ul style="list-style-type: none"><li>• empowers people to make decisions for themselves</li><li>• protects people who lack capacity by placing them at the heart of the decision making process</li></ul>
	1.4 Describe why effective communication is important when working with a person who may lack capacity to make a particular decision for themselves
2 Understand the key elements of the Mental Capacity Act 2005	2.1 Define the 5 statutory principles included in the Mental Capacity Act 2005
	2.2 Describe when a worker must comply with the Mental Capacity Act 2005
	2.3 Explain how the Mental Capacity Act 2005 gives legal protection to workers providing care and treatment for someone who lacks capacity
	2.4 Explain 'capacity' as defined in the Mental Capacity Act 2005
	2.5 Explain ' <b>best interests</b> ' as defined in the Mental Capacity Act 2005
	2.6 Explain what actions needs to be taken to ensure a worker acts in an individual's ' <b>best interests</b> '
	2.7 Identify whose responsibility it is to assess 'capacity' and ' <b>best interests</b> '
	2.8 Identify the type of 'day to day' decisions a worker may find themselves making on behalf of a person who lacks capacity to make those decisions themselves
	2.9 Explain the circumstances when an Independent Mental Capacity Advocate (IMCA) should be appointed
	2.10 Explain how the Mental Capacity Act 2005 can assist a person to 'plan ahead' for a time when they may not have capacity to make certain decisions



Learning Outcome - The learner will:	Assessment Criterion - The learner can:
3 Understand 'restraint' as defined in the s6(4) Mental Capacity Act 2005	3.1 Identify the range of actions that amount to restraint 3.2 Identify the factors which make restraint lawful under the Mental Capacity Act 2005 3.3 Describe the circumstances where the restrictions or restraint being used amount to a person being ' <b>deprived of their liberty</b> ' 3.4 Describe the actions that are necessary to ensure that a person is lawfully ' <b>deprived of their liberty</b> ' 3.5 Explain why a worker should raise their concerns with their supervisor / manager when they think a person may be being ' <b>deprived of their liberty</b> '
4 Understand the importance of complying with the Mental Capacity Act 2005 Code of Practice when working with individuals who lack capacity	4.1 Explain the legal status of the Mental Capacity Act 2005, Code of Practice 4.2 Explain the purpose of the Mental Capacity Act 2005, Code of Practice 4.3 Explain how the Mental Capacity Act 2005 Code of Practice effects the day to day activities of a worker when making decisions for individuals who lack the capacity to make those decisions for themselves

## Assessment

This unit must be assessed in accordance with Skills for Care and Development's QCF Assessment Principles.

**Deprived of their liberty** - see Chapter 2 of the Mental Capacity Act 2005, Deprivation of Liberty, Code of Practice.

**Best interests** - when making decisions or carrying out an action on behalf of an individual who is assessed as lacking capacity to make that decision.

All learning outcomes in this unit must be assessed using methods appropriate to the assessment of the knowledge and understanding.

There must be valid, authentic and sufficient for all the assessment criteria. However, one piece of evidence may be used to meet the requirements of more than one learning outcome or assessment criterion.



ProQual Awarding Body  
ProQual House  
Annie Med Lane  
South Cave  
HU15 2HG

Tel: 01430 423822

[www.proqualab.com](http://www.proqualab.com)

[enquiries@proqualab.com](mailto:enquiries@proqualab.com)