

Social Work Online Team Training (SWOTT) toolkit - Facilitator Notes

Human Rights Practice and the Mental Capacity Act

LEARNING OBJECT 2: CASE STUDY 2 - RACHEL

- You might start by inviting reflections on the whether the proposed restrictions seem on their face to be very severe restrictions, or the minimum necessary. (It is likely that they will be considered very severe restrictions).
- You might want to reflect that life would have been easier for the local authority social workers if the Court had rubber-stamped the proposals, since this would have permitted draconian restrictions, without having to worry about whether they were proportionate. Without the authority of a Court Order, thoughtful, nuanced and careful decision-making is needed.
- You do not have full details of the behaviours that were prompting the local authority to apply for these restrictions. You will need to guide the discussion to reflect on what sort of behaviours might justify what sort of restrictions.
- Try to steer the discussion to reflect upon the three categories of rights that have been discussed in the toolkit – that is, the impact upon autonomy, the need for protection, and the right to support.
- Since the stated purpose of the restrictions is to manage emotional dysregulation, you might invite reflections on how this fits within a rights-based framework at all. How is behaviour-management a goal of rights-based practice?

Broadly, you might identify:

- That you are certainly proposing interference with Rachel's autonomy, but that this is permitted where it is the least restrictive interference that is necessary.
- That you are likely to be able to justify the interference in terms of protecting her. Protecting someone from themselves is permitted (compare, for example, mental health interventions). But what kind of restrictions are consistent with the State's duty to protect?
- That you are likely to come up with proposals that include a package of supportive interventions, and not only restrictive interventions.

