

Qualification Handbook

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

601/6128/0

Version 2

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1. About the BIIAB Level 3 Award in the Awareness of the Mental Capacity Act 2005

BIIAB is regulated to deliver this qualification by Ofqual in England and Northern Ireland. The qualification has a unique Qualification Number (QN) which is shown below. Each unit within the qualification will also have a regulatory Unit Reference Number (URN).

The QN code will be displayed on the final certificate for the qualification.

Qualification Title	Qualification Number (QN)
BIIAB Level 3 Award in the Awareness of the Mental Capacity Act 2005	601/6128/0

2. Objective and Purpose of this Qualification

This qualification has been designed for a wide range of learners, with the purpose of providing understanding and knowledge of the Mental Capacity Act 2005 which is vital to a variety of health and social care roles.

The primary purpose of this qualification is to enable the learner to develop knowledge in the Mental Capacity Act 2005 and to prepare for further learning or training.

The Mental Capacity Act 2005 was designed to protect individuals who lack the mental capacity to make decisions for themselves.

This qualification is not a component of an apprenticeship framework.

3. About this Pack

This support pack has been developed to provide guidance for learners, assessors and verifiers undertaking, delivering, or quality assuring this qualification.

The purpose of the support pack is to provide the majority of the key information that may be needed to prepare for, and help support, the successful delivery of the qualification, in one place.

If this pack is updated, centres will be notified via the BIIAB monthly newsletter which goes to approved centres.

4. BIIAB Customer Service

BIIAB is committed to giving the highest possible levels of customer service. The BIIAB's Service Level Agreement is available via www.biiab.org.

Our Customer Service team can be contacted between the hours of 0900 and 1700 Monday to Friday by using the contact details below, or outside those hours, by leaving a message on our voicemail service.

Customer Service Contact Details: 01276 684449

Email: customersupport@bii.org

Our Customer Service team will be happy to assist with any administration-related enquiries you may have. For example:

- registration and certification enquiries
- re-certification issues
- Centres available in the local area
- appeals
- whistleblowing.

5. What are Rules of Combination (ROC)?

Under the Regulatory Framework, qualifications can be made up of a combination of mandatory and/or optional units. The units and credits required to complete a qualification are set out by the rules of combination (ROC). The ROC allows for flexibility and transferability.

The ROC will specify:

- The total credit value of the qualification
- The amount of credit that must be achieved within specific groupings of units (e.g. Mandatory, Optional Unit, and Optional groups)
- The minimum credit which must be achieved at the level or above the level of the qualification
- The Total Qualification Time (TQT)
- The title, Unit Regulation Number and BIIAB Unit number for each unit, alongside its level, credit, and Guided Learning Hours (GLH)
- Any barred units (units that cannot be taken together as part of the qualification).

When choosing the appropriate route for a learner or group of learners, it is the responsibility of the centre to ensure the rules of combination are adhered to.

6. BIIAB Level 3 Award in the Awareness of the Mental Capacity Act 2005 Rules of Combination (ROC) and structure

To achieve the BIIAB Level 3 Award in the Awareness of the Mental Capacity Act 2005 learners **must** gain a **total of 3** credits. This **must** consist of:

- **Minimum total credit: 3**
- Mandatory Group A **minimum** credit: **3**
- GLH: **28**
- TQT: **34**

The qualification has been developed based upon industry feedback as to the fundamental knowledge and skills required to work in the sector at the level.

Listed below are the qualification units.

Mandatory Group A

Unit No.	URN	Unit Title	Credit	Level	GLH	Assessment Method
CA28	L/504/8409	Awareness of the Mental Capacity Act 2005	3	3	28	Assessment Knowledge Module

7. Age Restriction

Both qualifications in this handbook are appropriate for use in the following age ranges:

- 16-18
- 19+.

8. Entry Requirements and Progression

There are no entry requirements for this qualification. However, learners must be assessed to ensure they have a reasonable chance of achievement and will be able to generate the required evidence.

Achievement of this qualification shows that the learner has level 3 knowledge about the Mental Capacity Act 2005. It may help the learner to get a job, to improve performance at work or get promoted.

Learners who have completed this qualification may wish to proceed on to the following qualifications:

- BIIAB Level 3 Award in Awareness of Dementia
- BIIAB Level 3 Diploma in Health and Social Care (Adults) for England
- Advanced Apprenticeship in Health and Social Care
- BIIAB Level 4 Diploma in Adult Care (England)
- BIIAB Level 4 NVQ Diploma in Management

9. Assessment

Overview of assessment strategy

The qualification contains knowledge units. These units are assessed by Assessment Knowledge Modules (AKMs) externally set by the BIIAB or Centre Devised Assessments. The AKMs are internally marked assessments, containing a series of questions, marked and internally verified by the centre and with external verification by the BIIAB External Quality Assurer (EQA). Assessments provided by BIIAB will ensure that effective learning has taken place and that learners have the opportunity to:

- Meet the assessment criteria
- Achieve the learning outcomes.

Centres **must** obtain approval for any Centre Devised Assessments before their use. Please contact BIIAB for details of the Centre Devised Assessment process and procedure.

Assessment process

Assessment is the process used to judge the competence of a learner against set standards. The assessor is the person who is responsible for determining learners' competence. The assessor may be a work place supervisor or an external person who is trained and qualified, or working towards a qualification relevant to the assessor role.

Assessors base their judgement on performance and decide how it compares to the national standard. The assessor will also ask questions based on the knowledge required to do the work, to ascertain the knowledge and understanding of the learner.

When the required units have been completed and the assessor is satisfied that the learner has met the national standard, a recommendation for a certificate will be made.

An Internal Quality Assurer (IQA) is responsible for the quality assurance of the qualifications within the training organisation and will provide advice, guidance and support to the assessors. IQAs also ensure that the assessors apply the standards consistently and fairly. The IQA will see review the portfolio of evidence during the assessment process.

An External Quality Assurer (EQA), who is appointed by BIIAB, will verify the assessment and internal verification decisions involved in the development of the portfolio. The EQA will quality assure the qualification process, which ensures that certification of the qualification is reliable, consistent and to the national standard, by checking the consistency of assessments made by the training provider, and across training providers.

Assessment Strategy

The Assessment Strategy has been designed by Skills for Care. While BIIAB has not itself designed the strategy it agrees with the principles and their suitability as an Assessment Strategy for this qualification, it has agreed that this strategy will be applied for this qualification and it has agreed that it will monitor the compliance of BIIAB centres offering this qualification against the criteria. As such all centres and their assessment must adhere to the current Skills for Care designed assessment strategy for this qualification.

The assessment strategy for this qualification can be seen in the section which follows and it provides details of the key requirements for the qualification and the assessor, verifiers delivering, quality assuring and certificating the qualification.

Skills for Care Assessment Principles

1 Introduction

- 1.1 Skills for Care and Development (SfC&D) is the UK sector skills council (SSC) for social care, children, early years and young people. Its structure for realising the SSC remit is via an alliance of six organisations: : Care Council for Wales, Children's Workforce Development Council, General Social Care Council, Northern Ireland Social Care Council, Scottish Social Services Council and Skills for Care.
- 1.2 This document sets out those principles and approaches to unit/qualification assessment not already described in the Regulatory Arrangements for the Qualifications and Credit Framework. The information is intended to support the quality assurance processes of Awarding Organisations that offer qualifications in the Sector, and should be read alongside these. It should also be read alongside individual unit assessment requirements. Additional information/guidance regarding individual unit assessment can be obtained from Awarding Organisations, or from Skills for Care and Development. This must be used in order to provide the proper context for learning and assessment.
- 1.3 These principles will ensure a consistent approach to those elements of assessment which require further interpretation and definition, and support sector confidence in the new arrangements.
- 1.4 Where Skills for Care and Development qualifications are joint with Skills for Health, Skill for Health will also use these assessment principles.

2 Assessment Principles

- 2.1 Assessment decisions for competence based learning outcomes (e.g. those beginning with 'to be able to') must be made in a real work environment by an occupationally competent assessor. Any knowledge evidence integral to these learning outcomes may be generated outside of the work environment but the final assessment decision must be within the real work environment.

- 2.2 Assessment decisions for competence based Learning Outcomes must be made by an assessor qualified to make assessment decisions.
- 2.3 Competence based assessment must include direct observation as the main source of evidence
- 2.4 Simulation may only be utilised as an assessment method for competence based LO where this is specified in the assessment requirements of the unit.
- 2.5 Expert witnesses can be used for direct observation where: they have occupational expertise for specialist areas or the observation is of a particularly sensitive nature. The use of expert witnesses should be determined and agreed by the assessor.
- 2.6 Assessment of knowledge based Learning Outcomes (e.g. those beginning with 'know' or 'understand') may take place in or outside of a real work environment.
- 2.7 Assessment decisions for knowledge based Learning Outcomes must be made by an occupationally knowledgeable assessor.
- 2.8 Assessment decisions for knowledge based Learning Outcomes must be made by an assessor qualified to make assessment decisions. Where assessment is electronic or undertaken according to a set grid, the assessment decisions are made by the person who has set the answers.

3 Internal Quality Assurance

- 3.1 Internal quality assurance is key to ensuring that the assessment of evidence for units is of a consistent and appropriate quality. Those carrying out internal quality assurance must be occupationally knowledgeable in the area they are assuring and be qualified to make quality assurance decisions.

4 Definitions

4.1 Occupationally competent

This means that each assessor must be capable of carrying out the full requirements within the competency units they are assessing. Being occupationally competent means they are also occupationally knowledgeable. This occupational competence should be maintained annually through clearly demonstrable continuing learning and professional development.

4.2 Occupationally knowledgeable

This means that each assessor should possess relevant knowledge and understanding, and be able to assess this in units designed to test specific knowledge and understanding, or in units where knowledge and understanding are components of competency. This occupational knowledge should be maintained annually through clearly demonstrable continuing learning and professional development.

4.3 Qualified to make assessment decisions

This means that each assessor must hold a qualification suitable to support the making of appropriate and consistent assessment decisions. Awarding Organisations will determine what will qualify those making assessment decisions according to the unit of competence under assessment. In any case of significant uncertainty the SSCs will be consulted.

4.4 Qualified to make quality assurance decisions

Awarding Organisations will determine what will qualify those undertaking internal quality assurance to make decisions about that quality assurance.

4.5 Expert witness:

An expert witness must:

- have a working knowledge of the units on which their expertise is based
- be occupationally competent in their area of expertise
- have EITHER any qualification in assessment of workplace performance OR a professional work role which involves evaluating the everyday practice of staff.

Appeals

If learners are dissatisfied with an assessment outcome, they have the right to appeal. The main reasons for an appeal are likely to be:

- Learners do **not** understand why they are **not** yet regarded as competent, because of unsatisfactory feedback from the assessor
- Learners believe they are competent and that the assessor has misjudged them, or has failed to utilise some vital evidence.

BIIAB expects most appeals from learners to be resolved within the centre. BIIAB will only consider a learner's appeal after the centre's internal appeals procedure has been fully exhausted.

For full details of the BIIAB's appeals procedure please refer to www.biiab.org

10. Initial Assessment and Induction

Prior to the start of any programme it is recommended that centres should make an initial assessment of each learner. This is to ensure that the learners are entered for an appropriate type and level of qualification.

The initial assessment should identify the specific training needs that the learner has, and the support and guidance that they may require when working towards their qualification.

The centre must also identify any units the learner has already completed, or credits they have accumulated, relevant to the qualification.

BIIAB suggests that centres provide an induction programme to ensure the learner fully understands the requirements of the qualification they will work towards, their responsibilities as a learner, and the responsibilities of the centre.

11. Delivery

Centres **must** refer to the units that form the qualification and the standard that **must** be achieved in order to be awarded each unit. This is covered within the learning outcomes and assessment criteria that form part of the delivery.

12. Resources

BIIAB provides the following additional resources for this qualification:

- Assessment Knowledge Modules (AKMs) for assessing specific units
- Assessor Guidance for assessing specific units
- a Learner Summative Reflection template
- Access to the units.

All of these resources are available for download via The Hub on centrezone.bii.org.

The Hub is a secure area within CentreZone which centres approved for the qualification can access. The Hub contains documents relevant to the qualification. Centres will find The Hub on the list of tabs in CentreZone.

Access to the units

Units form the qualification and the standard that **must** be achieved in order to be awarded each unit. This is covered within the learning outcomes, assessment criteria and the indicative content that form part of the delivery. The majority of these units are written by the Sector Skills Council, although some are written by other organisations. BIIAB includes the mandatory units within this pack, and makes all units available via centrezone.bii.org

Learner Summative Reflection

In order to claim the unit(s) for the qualification, the learner will need to complete a summative reflective account, to reflect on their qualification, what they have learnt and how they have been able to apply this within their work role.

13. Design and delivery

Centres must refer to the units that form the qualification and the standard that must be achieved in order to be awarded each unit. This is covered within the learning outcomes and assessment criteria that form part of the delivery.

Each unit within this qualification has been allocated a number of Guided Learning Hours (GLH).

This can include activities such as training/class room based sessions, tutorials, supervised study or supervised 'on-the-job' learning and face-to-face or other pre-arranged 1:1 teaching sessions (e.g. simultaneous electronic communication such as webcam contact or internet messaging). It could also include time spent undertaking assessments.

The qualification will be assigned Total Qualification Time (TQT), which, as well as GLH, will include the estimated number of hours spend in preparation, study or any other supervised learning, study or assessment for an average learner.

When planning how to deliver the qualification it is important to refer to this definition.

Centres must refer to the Assessment Principles and Additional Requirements detailed in this handbook when planning the delivery and assessment of these qualifications.

14. Format of Units

All units within this qualification will be presented in a standard format that is consistent with the format for all units of assessment. The format will give tutors and learners guidance as to the requirements of the unit for successful completion. Each unit within this specification will be in the format below:

Unit Title

This will be shown as it appears on the Register of Regulated Qualifications (<http://register.ofqual.gov.uk>).

Unit Number / Unique Reference Number (URN)

The Unique Reference Number is the unique code that the unit is given by the Regulator. This unit will be referenced on the final qualification certificate. The same unique code for the unit applies within whichever qualification the unit is included. BIIAB also assign their own unique unit numbers which will in most instances be the same number when the unit is used in multiple BIIAB qualifications.

Level

This identifies the level of demand for the unit, but may be a different level to that of the overall qualification. The level of the units will be set according to National Occupational Standards and the level descriptors.

Credit

When a whole unit is completed the learner will achieve credits specified by the number of hours' learning time it will take an average learner to complete the unit including the assessment.

Guided Learning Hours (GLH)

The time required by the unit for specific guidance to be provided by a tutor, mentor or expert in the subject area, for example in a training session or a one-to-one.

Learning Outcomes and Assessment Criteria

Learning Outcomes are what the learner is expected to know, understand or be able to do upon successful completion of the unit.

Assessment Criteria are descriptions of the requirements that a learner is expected to meet in order to demonstrate that a learning outcome has been achieved.

15. Initial Registration

Registration and certification

Learners should be registered and certificated via BIIAB's On-line Registration and Certification Service (ORCS) www.orcs.biiab.org. Please refer to BIIAB's Centre Guidance for using ORCS.

Equal Opportunities and Diversity Policy

BIIAB has in place an equal opportunities policy, a copy can be found at <http://centrezone.bii.org/thehub/apprenticeships/qadocuments>.

BIIAB is committed to ensure that:

- Approved centres operate an equal opportunities policy
- Approved centres communicate the policy to staff and learners
- Approved centres have an effective complaints and appeals procedure of which both staff and learners are made aware
- Approved centres are aware of their responsibilities in providing equality of opportunity, particularly with regard to provision for learners with particular assessment requirements.

Reasonable Adjustment Policy

Learners who require reasonable adjustments for their assessments must inform their assessor at the beginning of their course of their requirements. BIIAB has a reasonable adjustment policy in place, a copy of which is provided to all BIIAB approved centres and can be found at <http://centrezone.bii.org/thehub/apprenticeships/qadocuments>.

16. Mandatory Units

The following units are mandatory for this qualification. For access to all optional units please visit centrezone.bii.org.

Unit Title	Awareness of the Mental Capacity Act 2005	
BIIAB Reference	CA28	
Level	3	
Credit Value	3	
GLH	28	
Unit Reference No.	L/504/8409	
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"> • empowers people to make decisions for themselves • protects people who lack capacity by placing them at the heart of the decision making process
	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 'best interests' 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 'best interests'
	2.7	Identify whose responsibility it is to assess 'capacity' and 'best interests'
	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

Unit Title	Awareness of the Mental Capacity Act 2005	
BIIAB Reference	CA28	
Level	3	
Credit Value	3	
GLH	28	
Unit Reference No.	L/504/8409	
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 'deprived of their liberty'
	3.4	Describe the actions that are necessary to ensure that a person is lawfully 'deprived of their liberty'
	3.5	Explain why a worker should raise their concerns with their supervisor / manager when they think a person may be being 'deprived of their liberty'
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 Requirements and Evidence Requirements
This unit must be assessed in accordance with the Skills for Care QCF Assessment Principles.

Additional information	
Assessment Criteria 3.3-3.5	Deprived of their liberty - See Chapter 2 of the Mental Capacity Act 2005, Deprivation of Liberty, Code of Practice.
Assessment Criteria 2.5-2.7	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.

17. BIIAB Level 3 Award in the Awareness of the Mental Capacity Act 2005 sign-off sheet

To achieve the BIIAB Level 3 Award in the Awareness of the Mental Capacity Act 2005 learners **must** gain a **total of 3** credits. This **must** consist of:

- **Minimum total credit: 3**
- Mandatory Group A **minimum** credit: **3**
- GLH: **28**
- TQT: **34**

Learners and centres should complete the table below to confirm when a unit is considered as complete. Only units that are a requirement of the RoC and Optional units that are selected to meet the RoC requirements need to be completed.

Mandatory Group A

Unit No.	URN	Unit Title	Learner Signature	Date	Assessor Signature	Date	Internal Quality Assurer signature (if sampled)	Date
CA28	L/504/8409	Awareness of the Mental Capacity Act 2005						

Learner Summative Reflection



The purpose of this summative reflection is to enable you, the learner to reflect on your qualification, what you have learnt and how you have been able to apply this within your work role.

You will need to complete your statement in the space provide below and sign & date the document, or you and your assessor may wish to record your reflection on a voice recorder.

Learner Name: _____

Qualification Unit Summary

Unit No.	Completion Date	Assessor Signature	Unit No.	Completion Date	Assessor Signature

Learner Reflection

Learner Signature: _____

Date: _____

Assessor Signature: _____

Date: _____

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



Notices

This book does not purport to contain an authoritative or definitive statement of the law or practice on any subject and the publishers supply the information on the strict understanding that no legal or other liability attaches to them in respect of it. References to sources of further guidance or information have been made where appropriate.

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