

Sexual Activity and the Mental Capacity Act 2005

Aim

A one-day training session to give participants an overall understanding of how the Mental Capacity Act 2005 applies to issues of sexual activities. For example when a service user who has a learning disability, or dementia, wants to have a sexual relationship. Or perhaps when one half of a couple wants to continue a sexual relationship even though his/her spouse may no longer have the capacity to consent to that relationship.

Target Group

Anyone working in a health and/or social care setting. All participants should already be familiar with the main points of the Mental Capacity Act 2005, as this is not an awareness session.

Venue and timings

Various venues across England and Wales

Learning outcomes: by the end of this session participants should:

- Understand the main points of the Mental Capacity Act 2005 and the Sexual Offences Act 2003
- Know exactly what the Mental Capacity Act Code of Practice says about sexual activity
- Be able to define what constitutes “consent”, “abuse” and “exploitation”
- Be able to identify the links with Safeguarding, the Sexual Offences Act, the Care Act and the Human Rights Act, and identify when a Safeguarding referral may and may not be appropriate
- Understand the difference between an “arranged” marriage and a “forced” marriage
- Have thoroughly explored a range of real cases concerning sexual activities which have been brought before the Court of Protection
- Know how to assess whether an individual has the capacity to consent to sexual activity, using the guideline which have been established by the Court of Protection
- Have discussed their own real-life issues in relation to the sexual activities of their service users, and have made plans (if appropriate) to deal with these
- Have explored the links with other related issues such as marriage, civil partnership, pregnancy, parenthood and child welfare
- Have considered ways of initiating discussion about the (delicate) issues of sex and sexual activities

Training methods used

All of our training sessions are intended to be as interactive as possible. Participants are encouraged to ask questions, make comments and bring up their own issues. We use lots of different methods including quizzes, case studies, video clips and small group work as well as direct teaching. We want participants to leave the session saying “that was really enjoyable - and it was directly relevant to my working life.”