Implementation of the Mental Capacity Act in Singapore

5th World Congress on Adult Guardianship
30 May 2014

Singapore

- New York City (786 sq km) is slightly larger than Singapore
- Tokyo (2,187 sq km) is three times bigger.

Sources:

Demographic Trends: Singapore

- Rising number of individuals aged 65+
- Increasing number of individuals with dementia

Observation: increasing number of individuals would need deputies and donees

Source: MHA, DOS, NPTD (2011)
Singapore law

1952
- Mental Disorder Ordinance 38 of 1952

1970
- Mental Disorders and Treatment Act 1970 (“MDTA”)

2010
- Mental Capacity Act (“MCA”)

Government’s role enhanced by MCA

MDTA:
Judicial arm confined to “archaic concept of unsound mind”

MCA
framework adequate to deal with the problems suffered by the mentally incapacitated

Framework of Mental Capacity Act

- Person who lacks mental capacity
- The 5 Principles
- Lasting Power of Attorney
- Court Appointed Deputies
- Care Givers
- Excluded Decisions
- Code of Practice
- Ill Treatment
- Office of the Public Guardian
Functions of the Office of Public Guardian

4 Functions of OPG

Registry
- Establish and maintain a registry of:
  - Lasting Power of Attorney (LPA)
  - Court orders appointing deputies

Supervision
- Supervise deputies
- Manage & direct Board of Visitors
- Reporting to court

Investigation
- Investigate into alleged ill-treatment of a person without mental capacity

Public Education
- Create awareness of MCA / LPA
- Stakeholder outreach and education
- Public information

4 Functions of OPG at a glance
Key Components of Registry Functions

- Establish and maintain a register of LPAs
- Verify information on LPAs before registration
- Review draft LPAs for ineffective clauses
- Update list of revoked LPAs for third parties' verification

Key Components of Supervision Functions

- Allocate appropriate level of monitoring to new cases
- Write to deputies to request for due reports
- Supervise deputies
- Manage & direct Board of Visitors to conduct home visits
- Reporting to court where directed to do so

Key Components of Investigation Functions

- Receive complaints of alleged ill-treatment of a person without mental capacity
- Investigate into complaints by exercising statutory powers
- Take follow up action to protect P’s personal welfare or property
Key Components of Public Education Functions

Create awareness
- Publish information about MCA and LPA
- Reach out to target audience through booths at exhibitions

Stakeholder Engagement
- Hold dialogues with key stakeholders regularly
- Meetings with individual stakeholders

Public Information
- Give talks on LPA and deputyship
- Publish guides for donees, deputies and caregivers

Registry of LPAs and court orders

<table>
<thead>
<tr>
<th></th>
<th>No of LPA applications received</th>
<th>No of court orders appointing deputies</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2011 (Apr 2011 – Mar 2012)</td>
<td>977</td>
<td>223</td>
</tr>
<tr>
<td>FY2012 (Apr 2012 – Mar 2013)</td>
<td>1,030</td>
<td>229</td>
</tr>
<tr>
<td>FY2013 (Apr 2013 – till date)</td>
<td>2,241</td>
<td>220</td>
</tr>
</tbody>
</table>

NB: Persons appointed as Committee of Persons and/or Estate under repealed Mental Disorder and Treatment Act are considered deemed deputies. 4,528 deemed deputies from 3,195 court orders were absorbed by OPG on 1 March 2010.

Public Education’s key messages and target audience

Life unpredictable. One can lose mental capacity unexpectedly because of accident or dementia also rising in fast ageing population.

LPA protects an individual in event he loses mental capacity and becomes vulnerable.

Making LPA offers certainty and peace of mind to individual, his family and loved ones in life’s uncertainties.

Active Agers’ Influencers’ lawyers, doctors, financial planners, social workers

Working/affluent adults

Elderly Heartlanders

Youth

Target Audience
Varied tactics to reach out to the target audience

**Public Awareness Campaign**
- TV/radio campaign, print ads, local media engagement, outdoor bus shelters, bus stop ads etc.

**Talks**
- Corporate lunch time talks
- Community Centre/VWO/Healthcare institution talks
- Big scale public talks like HDB's retirement seminars
- Industry-specific seminars e.g. NNI's Neurocognitive Symposium

**Event outreach participation**
- With major NGOs and religious organisations
- CER, Disabled roadside
- NTUC U Live, U Live Symposium for the 50+
- ADA, HPB, TTSH: World Alzheimer's Day-related events

**Workshops**
- Regular LPA & Deputy workshops

**Collaboration with partners**
- POSB, C3A, PA

**Outreach to 'influencers'**
- Engaging social intermediaries (pro bono lawyers, social workers at FSCs) to conduct talks & assist elderly with form-filling

**OPG’s inaugural awareness campaign**

**Out of home ads**

**OPG in the news**

Lasting power of attorney: 3,200 have signed since 2010

What’s missing from your plan?
Increasing awareness of LPA, MCA and increased uptake of LPA

5-year workplan (FY2013 – FY2017)

Strategic Thrusts – Next 5 years

Theme: Staying Relevant; Review & Refine
The Roadmap – Next 5 years

ENSURE ACCESSIBILITY, EASE AND CONVENIENCE
- Review legislation
- Review Code of Practice
- Online accreditation
- Examination

ENSURE PUBLIC CONFIDENCE
- Openness to public
- Targeted donor / donee engagements
- Framework for professional deputies

SHARPEN PROTECTION FRAMEWORK
- Targeted donor / donee engagements
- Targeted donor / donee engagements
- Develop risk-based supervision framework

Continuing education and outreach:
- Online accreditation
- Practice management / best practice
- Framework for professional deputies

Ongoing engagements
- Generate conversations
- Advocacy
- Large donor / donee engagements
- Targeted third party engagements
- Promote & encourage best practices

STRATEGIC THRUSTS
- Refine / review
- Review Code of Practice

\(23\) November 2013

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Simplification of LPA form

Ensuring accessibility, ease and convenience

Mid-Jan 2014
- Testing of revised forms

Feb 2014
- Comments by Chairman, PGB
- Review of Pilot

Mar - Apr 2014
- Internal review
- Ministerial clearance
- Minister’s approval

Apr – May 2014
- Public communications plan
- Training

1 Jun 2014
- Launch of simplified forms

New initiatives to increase efficiency

Ensuring accessibility, ease and convenience

Pilot postal mode of LPA submissions
- To reduce waiting time for public and staff pressure during processing of application

Additional manpower for LPA registry
- Exploring with RSVP to tap on volunteers to carry out back-end processing of LPA applications

Tagging on technology
- Online search module
- Online LPA form maker
- Self-help kiosk
Continual public engagement

Mar 13:
Review of outreach, identification of issues and development of strategies

Apr 13:
Proposed engagement plan to Sub Board

Mar 14:
OPG Financial Sector Dialogue Session

Dec 14:
Public confidence survey

Engaging financial sector through dialogue and exchange of ideas

Objectives
- Ongoing engagement to achieve greater buy-in to MCA and its planning instrument, LPA
- Dialogue with banks to share and understand ground issues faced by banks as well as proxy decision makers to ensure public confidence in LPA
- Share and promote best practices in industry

Desired Outcomes
- A good understanding and appreciation of MCA / LPA
- Buy-in and support from banks
- Consistent approaches in facilitating LPA transactions
- Awareness of best practices in industry in facilitating banking transactions on behalf of Ps

Panel deputyship for Ps without NOK

- Proposal for appointment of Panel Deputies via service level agreement
- Accept cases referred by AIC
- Deputies – lawyer and social worker to be jointly appointed
- Deputyship for limited duration and power

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1186 private clinics distributed across Singapore

Source: SingHealth, “Find a GP or Family Clinic Near You”, <https://www.singhealth.com.sg/PatientCare/GP/Pages/Home.aspx>