



# Safeguarding, Mental Capacity and Consent

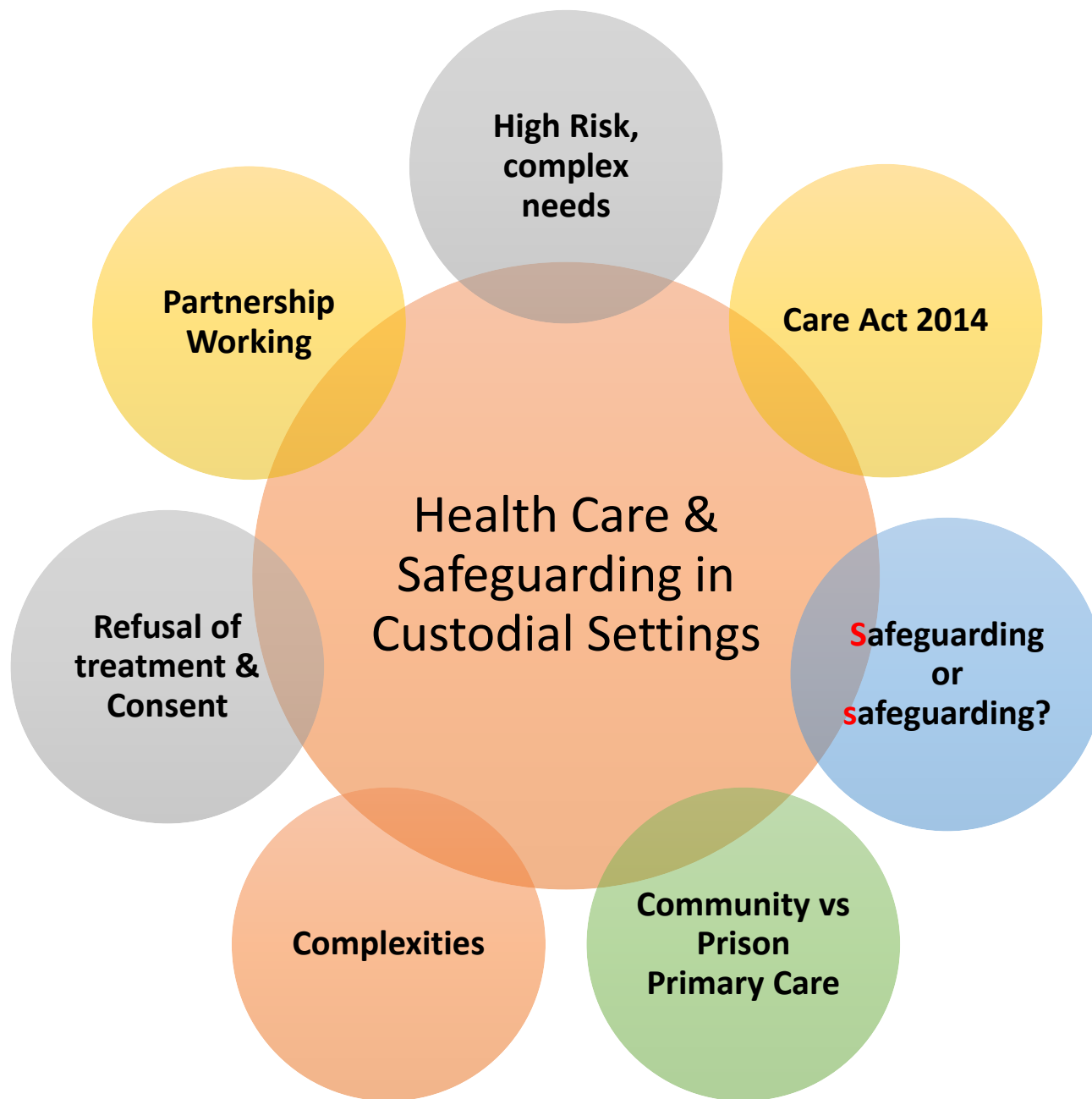
## Challenges in Prison Healthcare

Donna Phillips, Head of Safeguarding



[www.spectrum-cic.org.uk](http://www.spectrum-cic.org.uk)

[pr@spectrum-cic.nhs.uk](mailto:pr@spectrum-cic.nhs.uk)



# Case Studies

## Case 1

- Food refusal
- Psychosis
- Cardiac history
- Treatment refusal
- Challenges around joint working with Acute trust
- Transfer to secure unit (Mental Health Act)

## Case 2

- Food and fluid refusal
- Psychosis
- Refusal of treatment
- Escalating physical risks
- Challenges with joint working within prison
- Joint COP application – received treatment



**Donna Phillips, RMN, SCPHN, MSc**  
**Head of Safeguarding**  
**Spectrum CIC**

[Donna.phillips@spectrum-cic.nhs.uk](mailto:Donna.phillips@spectrum-cic.nhs.uk)



[\*\*www.spectrum-cic.org.uk\*\*](http://www.spectrum-cic.org.uk)  
**pr@spectrum-cic.nhs.uk**

# Offender health and the MCA

**Ben Troke**

**Partner, Hill Dickinson, Leeds**

**[ben.troke@hilledickinson.com](mailto:ben.troke@hilledickinson.com)**

# Reflections

- Offender context and capacity case law
  - DY (2022) – best interests of P / protecting others
  - JJ (2022) – available options
  - Re C (1994) – what does capacity mean?
- Complexity of offender / prison context
  - Dr A (2013) – residual liberty
- Importance of the autonomy / liberty that's left



A presentation by  
**HILL DICKINSON**

[hilledickinson.com](http://hilledickinson.com)