

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 16th DAY OF MARCH, 2016**

**The States resolved as follows concerning Billet d'État No VII
dated 2nd February 2016**

(adjourned from 8th March 2016)

HEALTH AND SOCIAL SERVICES DEPARTMENT

CAPACITY LAW

III.- After consideration of the Policy Letter dated 16th December, 2015, of the Health and Social Services Department:-

1. To approve the proposals set out in that Policy Letter, and specifically to approve:
 - a) the introduction of a general capacity test (sections 3.2-3.4),
 - b) the exclusion from the legislation of the decisions listed in paragraph 3.6.1,
 - c) the introduction of legal protection for decision makers on the basis set out in section 3.7,
 - d) the creation of a criminal offence of wilful neglect and ill treatment (section 3.8),
 - e) the creation of statutory Advance Decisions to Refuse Treatment (section 4.2) and Lasting Powers of Attorney (section 4.3), and
 - f) the introduction of Deprivation of Liberty Safeguards as proposed in section 5.2.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.
3. To note the additional resources required from 2017 to support the implementation of this legislation, which will be prioritised as part of the transformation programme for Health and Social Care.
4. To note the potential impact on the Legal Aid budget, and to direct the Committee *for* Health and Social Care to report to the States of Deliberation on this issue when the implications are clearer and before the legislation is presented to the States for approval.