

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

Level 3 Award – 601/6128/0

## About Us

BIIAB Qualification Limited is part of Skills and Education Group, a charitable organisation that champions education and skills-oriented organisations, providers and learners, making real change locally, nationally and internationally.

BIIAB Qualifications Limited has an on-line registration system to help customers register learners on its qualifications, units and exams. In addition it provides features to view exam results, invoices, mark sheets and other information about learners already registered.

## Sources of Additional Information

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The BIIAB Qualifications Limited website [www.biiab.co.uk](http://www.biiab.co.uk) provides access to a wide variety of information.

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This document may be copied by approved centres for the purpose of assessing learners. It may also be copied by learners for their own use.

Version	Date	Details of Change
2.1	April 2023	Reformatted Qualification Guide into new branding
2.2	July 2025	Progression routes text updated to reflect live and available qualifications only
2.3	July 2025	Qual being withdrawn Op End Date – 31/08/2025 Cert End Date – 31/08/2025

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This is a live document and as such will be updated when required. It is the responsibility of the approved centre to ensure the most up-to-date version of the Qualification Specification is in use. Any amendments will be published on our website and centres are encouraged to check this site regularly.

## Qualification Summary

BIIAB Level 3 Award in the Awareness of the Mental Capacity Act 2005 - 601/6128/0	
<b>Qualification Purpose</b>	To enable the learner to develop knowledge in the Mental Capacity Act 2005 and to prepare for further learning or training.
<b>Age Range</b>	<b>Pre 16</b> <input type="checkbox"/> <b>16-18</b> <input checked="" type="checkbox"/> <b>18+</b> <input type="checkbox"/> <b>19+</b> <input checked="" type="checkbox"/>
<b>Regulation</b>	The above qualification is regulated by Ofqual
<b>Assessment</b>	<ul style="list-style-type: none"> <li>• Internal assessment</li> <li>• Internal and external moderation</li> </ul>
<b>Type of Funding Available</b>	See FaLa (Find a Learning Aim)
<b>Qualification/Unit Fee</b>	See BIIAB Qualifications Limited web site for current fees and charges
<b>Grading</b>	Pass/Fail To achieve a Pass grade, learners <b>must</b> achieve all the Learning Outcomes and Assessment Criteria in all the units completed
<b>Operational Start Date</b>	01/05/2015
<b>Review Date</b>	31/08/2025
<b>Operational End Date</b>	31/08/2025
<b>Certification End Date</b>	31/08/2025
<b>Guided Learning (GL)</b>	28 hours
<b>Total Qualification Time (TQT)</b>	34 hours
<b>Credit Value</b>	3
<b>BIIAB Qualifications Limited Sector</b>	Health and Social Care
<b>Ofqual SSA Sector</b>	1.3 Health and Social Care
<b>Support from Trade Associations</b>	
<b>Administering Office</b>	See BIIAB Qualifications Limited web site

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

BIIAB Qualifications Limited is regulated to deliver this qualification by Ofqual in England. 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)
<b>BIIAB Level 3 Award in the Awareness of the Mental Capacity Act 2005</b>	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 Guidance

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

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

If this guidance is updated, centres will be notified by BIIAB Qualifications Limited.

#### 4. BIIAB Qualifications Limited Customer Service

BIIAB Qualifications Limited is committed to giving the highest possible levels of customer service. Our Service Level Agreement is available via [www.biiab.co.uk](http://www.biiab.co.uk)

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 Support Contact Details: 0115 854 1620

Email: [CustomerSupport@biiab.co.uk](mailto:CustomerSupport@biiab.co.uk)

Our Customer Support 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 Qualifications Framework (RQF), 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 groups 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 Qualifications Limited 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

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

- Minimum total credit: **3**
- Mandatory Group A **minimum** credit: **3**
- Minimum Guided Learning Hours: **28 hours**
- Maximum Guided Learning Hours: **34 hours**

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

Listed below are the qualification units.

### Mandatory Unit Group A

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

## 7. Age Restriction

The qualification in this handbook is 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 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 Devise 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). Knowledge 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 review the portfolio of evidence during the assessment process.

An External Quality Assurer (EQA), who is appointed by BIIAB, will quality assure the assessment and internal quality assurance 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 Principles**

The Assessment Principles have 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 Assessment Principles for this qualification.

The Assessment Principles 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/s, verifiers delivering and quality assuring and certifying 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

### 4.3

knowledge and understanding are components of competency. This occupational knowledge should be maintained annually through clearly demonstrable continuing learning and professional development.

4.4 **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.

4.5 **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.

4.6 **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 having sufficient knowledge
- learners believe they are competent and that they have been misjudged

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

For full details of the BIIAB Qualifications Limited's appeals procedure please refer to <https://biiab.co.uk/policies-and-procedures/>

## 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 Qualifications Limited 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. Resources

BIIAB Qualifications Limited 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 on request.

### 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. BIIAB Qualifications Limited includes the mandatory units within this guidance document.

### Learner Summative Reflection

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

## 12. 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 forms part of the delivery.

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

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 GL, will include the estimated number of hours spent 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.

BIIAB Qualifications Limited will not prescribe how the qualification is delivered, but centres **must** ensure the delivery chosen meets their learners' needs.

## 13. 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 guidance document 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 / Unit Reference Number (URN)**

The Unit 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 in whichever qualification the unit is included within. BIIAB Qualifications Limited also assign unique unit numbers which is consistent 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 required number of hours that learning should take place under the immediate guidance or supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training.

**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. There are usually multiple assessment criteria for each Learning Outcome.

## 14. Initial Registration

### Registration and Certification

Learners should be registered and certificated via BIIAB Qualifications Limited's Customer Management System.

### Equal Opportunities and Diversity Policy

BIIAB Qualifications Limited has in place an equal opportunities policy, a copy can be found at <https://www.biiab.co.uk/policies-and-procedures/>

BIIAB Qualifications Limited 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 Qualifications Limited has a reasonable adjustment policy in place, a copy of which is provided to all approved centres and can be found at <https://www.biiab.co.uk/policies-and-procedures/>

## 15. Qualification Review and Feedback

BIIAB Qualifications Limited is committed to the ongoing review of this qualification to ensure it remains fit for purpose.

This review approach involves the collation of evidence in the form of any information, comments and complaints received from users of this qualification in relation to its development, delivery and award.



BIIAB Qualifications Limited will give due regard to any credible evidence received which suggests that a change in approach to the development, delivery and award of this qualification is required in order to ensure that no adverse effects will result. This qualification will be periodically reviewed and revised to ensure the content remains relevant, assessment approach remains appropriate and that it remains valid and fit for purpose.

## 16. Mandatory Units

The following units are mandatory for this qualification.

### Awareness of the Mental Capacity Act 2005

<b>Unit Reference</b>	L/504/8409
<b>BIIAB Reference</b>	CA28
<b>Level</b>	3
<b>Credit Value</b>	3
<b>Guided Learning (GL)</b>	28
<b>Unit Summary</b>	This unit provides the learner with the knowledge to understand all aspects of The Mental Capacity Act 2005
<b>Learning Outcomes (1 to 4)</b> The learner will:	<b>Assessment Criteria (1.1 to 4.3)</b> 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"> <li>empowers people to make decisions for themselves</li> </ul>

	<ul style="list-style-type: none"> <li>protects people who lack capacity by placing them at the heart of the decision making process</li> </ul> <p>1.4 Describe why effective communication is important when working with a person who may lack capacity to make a particular decision for themselves</p>
2. Understand the key elements of the Mental Capacity Act 2005	<p>2.1 Define the 5 statutory principles included in the Mental Capacity Act 2005</p> <p>2.2 Describe when a worker must comply with the Mental Capacity Act 2005</p> <p>2.3 Explain how the Mental Capacity Act 2005 gives legal protection to workers providing care and treatment for someone who lacks capacity</p> <p>2.4 Explain 'capacity' as defined in the Mental Capacity Act 2005</p> <p>2.5 Explain 'best interests' as defined in the Mental Capacity Act 2005</p> <p>2.6 Explain what actions needs to be taken to ensure a worker acts in an individual's 'best interests'</p> <p>2.7 Identify whose responsibility it is to assess 'capacity' and 'best interests'</p> <p>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</p> <p>2.9 Explain the circumstances when an Independent Mental Capacity Advocate (IMCA) should be appointed</p>

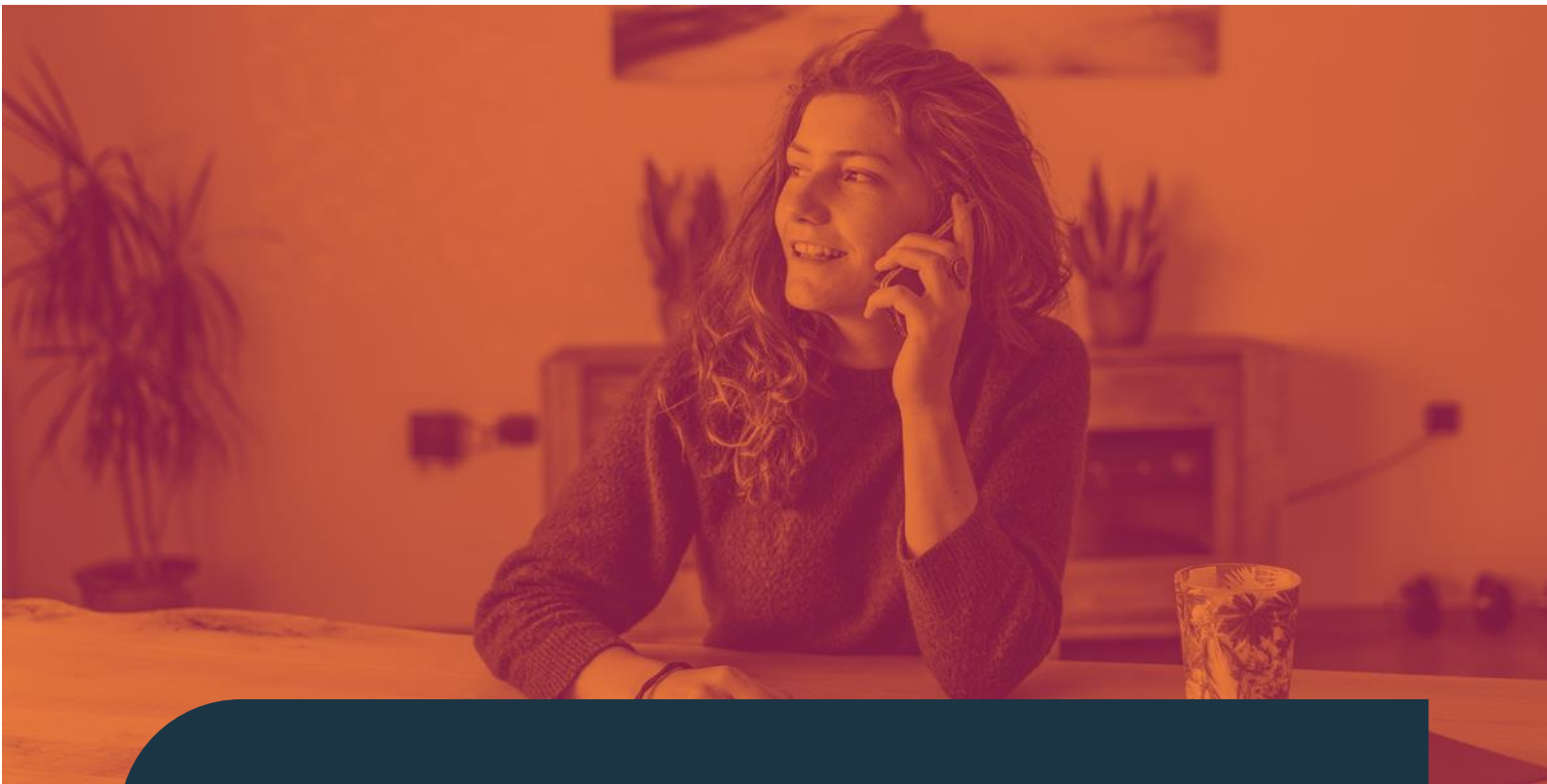
	2.10 Explain how the Mental Capacity Act 2005 can assist a person to 'plan ahead' for a time when they may not have capacity to make certain decisions
3. Understand 'restraint' as defined in the s6(4) Mental Capacity Act 2005	<p>3.1 Identify the range of actions that amount to restraint</p> <p>3.2 Identify the factors which make restraint lawful under the Mental Capacity Act 2005</p> <p>3.3 Describe the circumstances where the restrictions or restraint being used amount to a person being 'deprived of their liberty'</p> <p>3.4 Describe the actions that are necessary to ensure that a person is lawfully 'deprived of their liberty'</p> <p>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'</p>
4. Understand the importance of complying with the Mental Capacity Act 2005 Code of Practice when working with individuals who lack capacity	<p>4.1 Explain the legal status of the Mental Capacity Act 2005, Code of Practice</p> <p>4.2 Explain the purpose of the Mental Capacity Act 2005, Code of Practice</p> <p>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</p>

## Assessment Requirements and Evidence Requirements

This unit must be assessed in accordance with the Skills for Care Assessment Principles.

## Additional Information

Assessment Criterion 3.3-3.5	<b>Deprived of their liberty</b> - See Chapter 2 of the Mental Capacity Act 2005, Deprivation of Liberty, Code of Practice.
Assessment Criterion 2.5-2.7	<b>Best interests</b> - When making decisions or carrying out an action on behalf of an individual who is assessed as lacking capacity to make that decision.



If you need any help with this guide  
please contact our team.

0115 854 1620

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