

Consultation on code of practice for financial professionals and financial service providers

The present questionnaire relates to the ***code of practice for financial professionals and financial service providers***.

The purpose of this code of practice is to provide guidance for financial professionals and financial service providers on good practice in interacting with a customer whose capacity to make a financial decision is in question or may shortly be in question or with a customer who lacks capacity to make a financial decision at this time.

Such customers may come within the scope of the Assisted Decision-Making (Capacity) Act 2015. Good practice includes adhering to the guiding principles within the Act and working with decision supporters and interveners as set out in the Act.

In this questionnaire we ask questions such as whether the code of practice in general and its various sections are easy to understand, helpful and comprehensive or if, not, how they could be improved. We would also like to find out what, if any, changes the code will bring about to work practices. All responses received will be taken into consideration in the formulation of the final text of the code of practice.

We look forward to receiving your comments.

1. ABOUT YOU

In this section we would like to learn a little about your reasons for participating in this consultation. This will help us to be more focused in how we deliver our services

* 1(a) Please select one of the following options (response required)

- I am providing feedback as an individual
- I am providing feedback on behalf of an organisation

If you are providing feedback on behalf of an organisation, please provide in the text box below the name of the organisation (and/or section within a large organisation) on behalf of which you are responding

1(b) Please select one or more of the following options. If none describe your situation, please select "other" and provide details in the text box below

- I am a financial professional, provide financial services or work in a service that provides financial services
- I work in a service that supports people who have decision-making capacity challenges
- I interact in a professional capacity (frequently or occasionally) with people who have decision-making capacity challenges
- I am a family member or carer of a person who has decision-making capacity challenges
- I am a person who has decision-making capacity challenges
- Other

If you wish, you may provide further details of your role/interest in this consultation in the text box below.

1(c) How did you hear about this consultation? Please tick all that apply

- Social media - LinkedIn
- Social media - Twitter
- Social media - Other
- Website - Mental Health Commission
- Website - Decision Support Service
- Website - Other
- Newsletter - Mental Health Commission
- Newsletter - Decision Support Service
- Newsletter - Other
- Newspaper

Other

If you selected "other" in relation to any of the answers above please provide further details in the text box below . This will help us to better understand the most useful ways to reach our audiences for future engagement and consultation.

1(d) On a scale of 1 to 5, please indicate how familiar you are with the Assisted Decision Making (Capacity) Act 2015

Not at all familiar

Expert

1

2

3

4

5

2. ABOUT THIS CODE OF PRACTICE

In this section we would like to obtain your overall opinion on this code. You will have an opportunity to comment on specific areas of the code in the next section. It may be helpful to have the code open while answering questions. You can access the code on the webpage where you accessed this survey. When providing feedback please bear in mind that the final code of practice must reflect the contents of the Act. The draft code includes a number of anticipated amendments to the Act.

* 2(a) Please indicate your level of agreement with the following statements (response required)

	Strongly disagree	Disagree	Not sure	Agree	Strongly Agree
The language used in this code of practice is clear and easy to understand	<input type="radio"/>				
The structure of this code of practice is easy to follow	<input type="radio"/>				
The content of this code of practice is consistent with the Act	<input type="radio"/>				

	Strongly disagree	Disagree	Not sure	Agree	Strongly Agree
The code provides sufficient clarity on the functions and duties of financial professionals and financial service providers in relation to the Act	<input type="radio"/>				
Having read this code of practice, I have a better understanding of how to support people with decision-making capacity challenges (and their decision supporters where applicable) in making certain decisions	<input type="radio"/>				

2(b) Having read this code of practice, do you foresee having to make changes to your work practices?

- Yes
- No
- Not sure
- Not applicable

If yes or not sure, please outline what these changes may include

2(c) If applicable, please indicate in the text box below what is needed to support the implementation of this code in the service in which you work

3) SELECTED SECTIONS OF THE CODE OF PRACTICE

Please consider the following questions in the context of your review of each section of this code of practice on which which you wish to provide feedback:

- Are the issues covered in the section clear and easy to understand?
- Should any additional issues be included?
- Should anything be excluded?
- What would help to improve the section?

It may be helpful to have a copy of the code open while answering questions. You can click on the contents page at the beginning of the document in order to go directly to a specific part of the code. You can access the code on the webpage where you accessed this survey. When providing feedback please bear in mind that the final code of practice must reflect the contents of the Act. The draft code includes a number of anticipated amendments to the Act.

Chapter 1: Introduction and overview

1.1 Purpose of this code of practice

Does this section require any amendments?

- yes no

If yes, please briefly outline suggested amendments

Chapter 2: Your functions and duties

Section 2.1 Apply the guiding principles

Does this section require any amendments?

- yes no

If yes, please briefly outline suggested amendments

Section 2.2: Advising customers as a relevant person under the Act

Does this section require any amendments?

yes no

If yes, please briefly outline suggested amendments

Section 2.3: Court applications

Does this section require any amendments?

yes no

If yes, please briefly outline suggested amendments

Section 2.4. Other functions and duties

Does this section require any amendments?

yes no

If yes, please briefly outline suggested amendments

Chapter 3: Interacting with decision supporters

Does this chapter require any amendments?

yes no

If yes, please briefly outline suggested amendments

Chapter 4: Interacting with the Director

Does this chapter require any amendments?

yes no

If yes, please briefly outline suggested amendments

Chapter 5: Interacting with other persons named in the Act

Does this chapter require any amendments?

yes no

If yes, please briefly outline suggested amendments

4) FINAL REMARKS

If you wish to provide any additional feedback on this code of practice, please do so in the text box below.

Thank you for your contribution to this consultation!