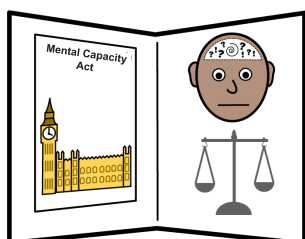




Get
Checked
Out

Mental Capacity Act for Service Users, Families and Carers.



The Mental Capacity Act (2005) is law that helps people to make their own decisions. It also protects people who cannot make their own decisions.

Capacity is about making decisions.



It is for people living in England and Wales.



It is for people who are aged 16 and older.

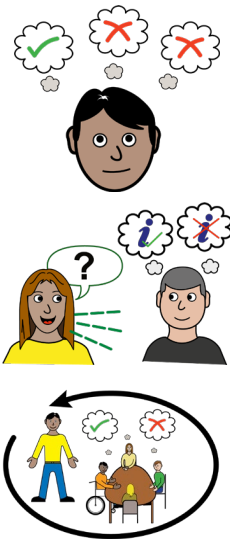
The Mental Capacity Act has a **2 stage** test of capacity.



Stage 1 Does the person have an impairment of their mind or brain? This would include a learning disability.



Stage 2 Does the impairment mean the person is not able to make a decision when they need to?



The person must be able to:

- Understand the information
- Remember the information
- Use the information to make a decision
- Tell you what the decision is



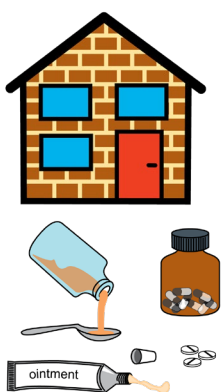
A decision made using the mental capacity act is not the same for all situations.

People may lack capacity to make some decisions but have capacity to make others.

Making a decision about your health is different to making a decision about other life choices.

Capacity can also change over time.

People may not have capacity now but have capacity in the future.



Some decisions that the Mental Capacity Act covers includes

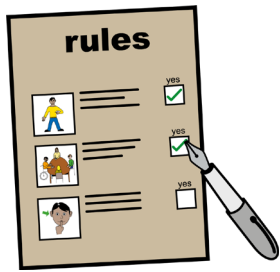
- Where to live
- What medical treatment to have



Some decisions can't be made using the Mental Capacity Act. They can only be made by the person.

These decisions include

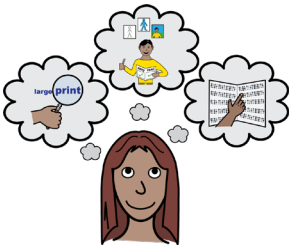
- Marriage
- Voting



The Mental Capacity Act explains 5 rules that everyone must follow when using the Act: There are 5 steps of The Mental Capacity Act

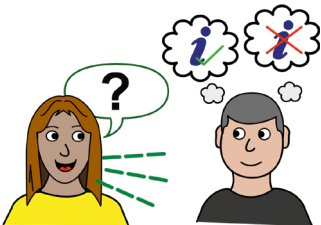


1. Always think a person has capacity until you can prove that they don't have capacity.



2. Try to give information in a way the person can understand everything possible to support the person to make the decision

This can include British Sign Language (BSL), a video or in easy read.

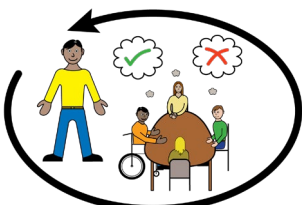


3. People can make unwise decisions.
This is ok as long as they understand what they are doing.

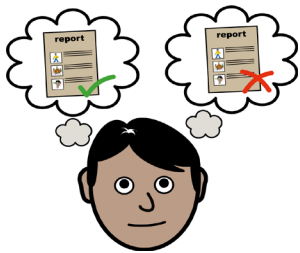


4. Any decision made for someone who does not have capacity must always be in their best interests.

The Best Interest decision process should include people who are close to, work with and know the person well.



5. Any decision made must be least restrictive.

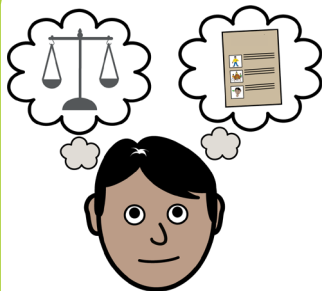


A person can make a decision to refuse treatment whilst they still have capacity.

This is called an 'advanced decision to refuse treatment'.

The advanced decision will tell people what treatment you do not want.

You must be 18 or older to make an advanced decision.

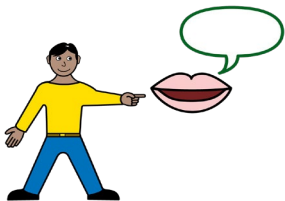


If you have capacity now, you can choose one or more people who can make decisions for you if you do not have capacity in the future

This is called a "Lasting Power of Attorney".

There are two types of Lasting Power of Attorney. One for decisions about health and welfare and one for decisions about property and finances.

Independent support for decision making



Sometimes people who lack capacity might be able to get support from an Independent Mental Capacity Advocate (IMCA). Advocacy services are available if the person has no family or friends to help with making an important decision.

An IMCA can help make sure that the Mental Capacity Act is being followed. They will also make sure that what is important to you is known to the person making the decision.



When someone cannot make their own decisions then the best interest decision maker is the person who is able to decide what will happen.

If it is a health care question then a health care professional would be the best person to make the decision with help from family, carers and other professionals who know the person well.