

How can I find out more about the Mental Capacity Act?

Locally within Herefordshire:

For further advice and information contact the Herefordshire deprivation of liberty safeguards team DoLS@herefordshire.gov.uk or 01432 383645

For access to the local multi agency Mental Capacity Act policy visit the Herefordshire Safeguarding Boards website at www.herefordshiresafeguardingboards.org.uk and select the adults board section.

Nationally

Visit www.gov.uk and search Mental Capacity Act for a copy of the act and the code of practice

Mental Capacity Act

A short guide for families and carers

What is the Mental Capacity Act?

The Mental Capacity Act was created in 2005 to offer protection to people who may lack capacity to make decisions for themselves and to support people to plan for the future in case they lose capacity to make decisions for themselves.

What does the Mental Capacity Act do?

- Provides guidance and protection to workers in care settings who make decisions for people who lack capacity to make decisions for themselves.
- Provides a legal process to enable people to make plans for the future.
- Provides a Court of Protection which can: make decisions about an incapacitated person's care, treatment and financial affairs, and provide a process of appeal for people who do not agree about a decision that has been made for them.
- Provides a legal process to allow others to be given authority to make decisions for those who lack capacity to make decisions for themselves.
- Provides specialist advocacy for people who lack capacity to make decisions for themselves.
- Provides specific protection from criminal acts of neglect or abuse committed against people who lack capacity.

Who does the Mental Capacity Act apply to?

The Mental Capacity Act applies to any adult or young person over the age of 16 within England and Wales.

Who has a legal responsibility to work within the Mental Capacity Act?

- Paid carers in residential care / nursing homes
- Nurses, doctors and other care staff in hospital or outpatient settings.
- All health and social care staff.
- Anyone who through their work comes across a person who may lack capacity to make decisions for themselves.

Informal carers such as family and friends caring for others who may lack capacity to make decisions for themselves, should also be aware of the Mental Capacity Act.