

What is the Mental Capacity Act?

A law designed to protect adults who are unable to make decisions for themselves.

It helps individuals to plan for the future if at a later date they become unable to make their own decisions.

It offers protection to care workers and others who either have to make decisions on behalf of people who lack mental capacity or have to provide care that is restrictive.

The act enables people to make advance decisions about whether they would like future medical treatment if they later lack capacity to consent. Some treatments are excluded.

The act provides a framework that encapsulates previous good practice.

There are five important principles everyone must follow when using the act:

1

Start off by thinking that the individual can make their own decision.

2

Give all practicable support to enable the person to make their own decision.

3

Never say someone can't make a decision just because someone else thinks it's wrong or bad.

4

When an individual can't make their own decision someone has to make it in the best way for them.

5

When someone makes a decision for an individual they must consider whether there is a less restrictive option. I.e one that does not limit their rights or freedom more than necessary.