

Mental Capacity Act 2005 Update



Produced in collaboration with Cwn Taff &
Blaenau Gwent People First, Regional Partnership
Team and Aneurin Bevan University Health Board



1. Introduction



The Mental Capacity Act **2005** is a law that helps and protects people when they are making decisions.



Some people can make decisions on their own

Some people are able to make some decisions



In some cases some people can't make any decisions



The Mental Capacity Act is about making sure people have the right support to make as many of their own decisions as possible



It also protects people who need paid support staff, family and friends to make decisions for them

2. Decisions



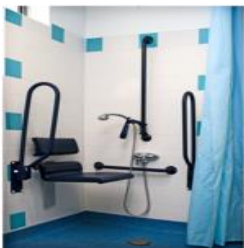
The Mental Capacity Act is about all decisions like:



Where to live



What clothes to put on



Whether or not to let staff help you in the bath or shower



What time I leave the pub



Whether to have an operation



If someone should look after your money for you



Whether you want a job or not



What food to eat



Whether to visit a health professional

5

The Act has 5 rules that have to be followed when testing for capacity



1. Everyone has to be assumed to be able to make decisions unless it can be shown they are unable to



Somebody may not be able to decide whether to move house.

Some one will have to help them make this decision if they can't do it themselves



But that same person may be able to decide what to eat and what to wear.



They must be allowed to make those decisions



Every person is different and every decision is different



2. People should have as much support as they need to enable them to make their own decisions



People should be given the information in a way they can understand so this will help them make a decision



It is not okay to just say someone can't make a decision



3. Unwise Decisions



As long as the person can understand what they are doing then an adult or young person (16 & 17 year olds) has the right to make a decision that sometimes others don't agree with



This could be like choosing to smoke

3. Capacity



To be able to make a decision we need to:



- * Understand the information



- * Remember the information



- * Take time to think about the information

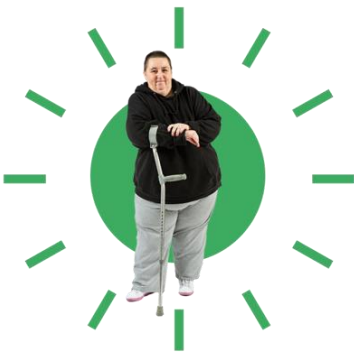


- * Be able to communicate to others what decision we want to make

4. Best Interest



Best interest means that if someone is unable to make their own decision then another person will have to make the decision for them.



When the decision is being made it has to be in the best interest of the person not for anyone else



5. **Least restrictive** (In a way that allows most freedom)



If a decision is made for someone it has to be done in a way that gives them as much freedom and rights



There will be a change to the law the Deprivation of Liberty Safeguards will be changing to Liberty Protection Safeguards.



The Mental Capacity Act is changing - Mental Capacity (Amendment) Act 2019



There will be a new code of practice which will help us to understand how it will work



This will help keep people safe and place them at the centre when decisions that effect their freedom are made on their behalf.

APRIL 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Free Printable Calendars from Typecalendar.com

This change is expected to happen soon - but we are waiting on the date



To find out more please see the Liberty Protection Safeguards Easy Read or visit the Government website [here](#)



Watch the Welsh Government videos
here

[Diogeliadau Amddiffyn Rhyddid
\(LPS\) yng Nghymru/Liberty
Protection Safeguards \(LPS\) in
Wales - YouTube](#)



For help or information please
contact

Sarah.livingstone@torfaen.gov.uk
call 07929 725242

or Tom.Grace@wales.nhs.uk for
more information

