



Factsheet SC02 January 2015

# The Mental Capacity Act

## Making decisions

If a person has an illness, injury, mental health issues, dementia or a learning disability they may be able to make some decisions about their life but not others.

We believe that they should be supported, wherever possible, to make the decisions they can.

The Mental Capacity Act 2005 (MCA) aims to:

- protect people who lack capacity to make their own decisions
- maximise their ability to participate in decision-making, as far as they are able to do so.

It also:

- makes clear who can make decisions in which situations and how they should go about this
- enables people to plan ahead for a time when they may lack capacity
- covers major decisions about someone's property and affairs, healthcare treatment and where the person lives, as well as everyday decisions about personal care.



## Independent Mental Capacity Advocates

Local authorities and NHS bodies are legally required to hire an Independent Mental Capacity Advocate (IMCA) to speak and act on behalf of a person who lacks mental capacity.

If a person has no close relative or friends, the IMCA will represent and make sure their needs, wishes and opinions are expressed and listened to when decisions are made, for example, about medical treatment or if they have to have to be admitted to hospital or move to a care home.

In Barnet, this service is provided by **Voiceability**. For more information, visit [www.voiceability.org](http://www.voiceability.org)



## Advance health care directive

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This is also known as a **living will**, **personal directive**, **advance directive**, or **advance decision**.

You can use this to set out the specific circumstances when you would want to refuse further healthcare treatment if, at a later stage, you lack mental capacity.

## Later Life Planning

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The Later Life Planning service run by Barnet Age UK provides information and advice on many subjects including advice on welfare and benefits, housing or support services as well as how to keep healthy and active.

The Later Life Planning Team can direct you to local solicitors for advice on Lasting Power of Attorney and advance directives.

To contact the service, tel. 020 8432 1417 or email [laterlifeplanners@ageukbarnet.org.uk](mailto:laterlifeplanners@ageukbarnet.org.uk)

## For more information

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### Alzheimer's Society Barnet

Tel: 020 8937 7171

E: [barnet@alzheimers.org.uk](mailto:barnet@alzheimers.org.uk)

### Barnet Mencap

Tel: 020 8349 3842

E: [projectsupport@barnetmencap.org.uk](mailto:projectsupport@barnetmencap.org.uk)

### Public Guardianship Office

Tel: 0300 456 0300

E: [customerservices@publicguardian.gsi.gov.uk](mailto:customerservices@publicguardian.gsi.gov.uk)

### Voiceability

[www.voiceability.org](http://www.voiceability.org)

## Planning ahead

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It is a good idea to do some planning for the challenges that ageing brings, including possible loss of decision-making ability.

There are several key things you can arrange, which will help ensure your wishes are met - and save you and your family stress and cost.

## Lasting Power of Attorney

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A lasting power of attorney (LPA) is a legal document that lets you (the 'donor') appoint one or more people (known as 'attorneys') to help you make decisions or make decisions on your behalf.

This gives you more control over what happens to you if, for example, you have an accident or an illness and can't make decisions at the time they need to be made (you 'lack mental capacity').

In order to make an LPA, you must be 18+ and have mental capacity.

There are two types of LPA, covering:

- health and welfare
- property and financial affairs

You can choose to make one type or both.