

National Mental Capacity Action Day

5 March 2018

In support of National Mental Capacity Action Day, Lancashire Safeguarding Adults Board would like to take the opportunity to remind you of the key messages and principles of the Mental Capacity Act 2005, please share these messages widely amongst your networks

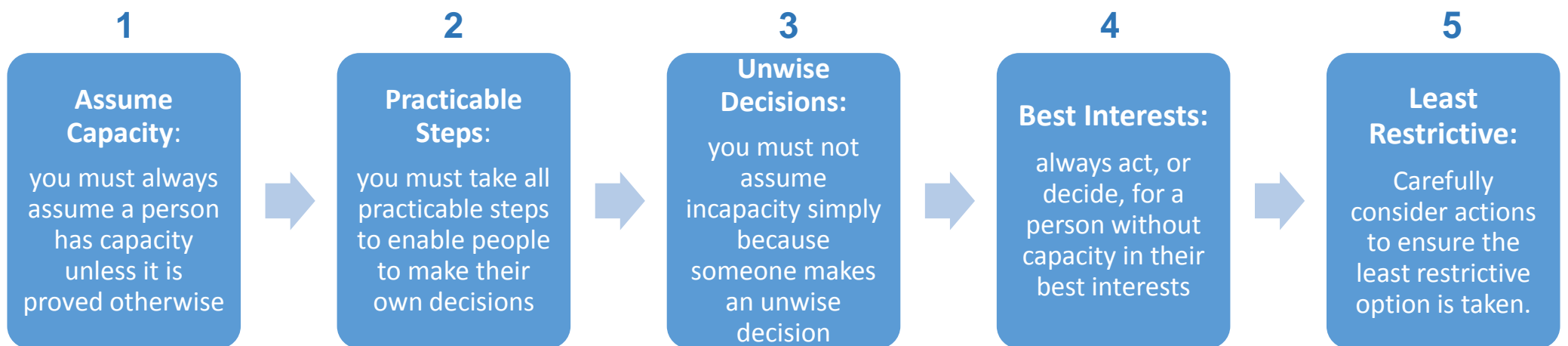
The Mental Capacity Act 2005 (MCA) was implemented in 2007 in order to protect people who are not able to make decisions for themselves. You can access further information here: <https://www.scie.org.uk/mca/>

Mental capacity can be permanent or temporary and can fluctuate. It can be time and decision specific - a person may have capacity to make some decisions but not others, for example decisions around treatment, financial, or care decisions.

The following examples may cause an individual to be affected by capacity issues:

Dementia	Learning Disabilities	Stroke	Acquired Brain Injuries
Mental Health Conditions	Loss of consciousness	Concussion (following a head injury)	
Acute confusion (secondary to infection)		Symptoms of Alcohol and Drug Abuse	

Five Key Principles should be followed when considering the capacity of an individual



ASSESSMENT: An assessment should be carried out where there is doubt concerning capacity of an individual. This should be done via a two-stage test – Stage one is a diagnostic, and stage two is functional

The Two Stage Test:

Stage 1 – Does the person have an impairment of the mind or brain (temporary or permanent)?

↓ If yes ↓

Stage 2 – Can the person:

Understand what decision needs to be made and the information relevant to it?

Retain the necessary information needed to make the decision?

Weigh the consequences of making the decision?

Communicate their decision by any means (e.g. speech, sign language etc.)?

Court of Protection exists to review decisions made which may need judicial oversight. Lasting Power of Attorney enables anyone over the age of 18 who has capacity to do so, to donate decision making powers to others.

Independent Mental Capacity Advocates (IMCA) exist to support people who lack capacity and who need to make important decisions but have no-one else to give them a voice. You can access further information at the following link: <https://www.advocacyfocus.org.uk/imca>

The MCA Code of Practice provides detail guidance regarding the Act, including emergency situations where matters are not covered by the MCA. *Professionals and carers must have regard to the Code and record clearly should they not adhere to it.* (Code of Practice: <https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>)

**ACCESS FURTHER INFORMATION AND RESOURCES FROM THE
LANCASHIRE SAFEGUARDING BOARD WEBSITE:**

<http://www.lancshiresafeguarding.org.uk/lancashire-safeguarding-adults/resources/mca-dols.aspx>

If you are concerned for the welfare of an adult, contact 0300 123 6721