

## PATIENT INFORMATION

# The Mental Capacity Act (2005)

## What is The Mental Capacity Act?



*Working with you, for you*

# What is The Mental Capacity Act?



The Mental Capacity Act is law and it is about making decisions.



Some people are able to make all decisions in their life, whilst others are able to make some or none.



If someone is unable to make a decision, this is called “lacking capacity”.



The Mental Capacity Act is there to make sure people have the support they need to make as many decisions as possible.



The Mental Capacity Act also protects people who need family, friends or paid support staff to make decisions for them.

## 5 things the Act says



Everyone has the right to make decisions about their life if they can.



The individual must be supported to decide if they can.



People can make unwise decisions. This does not mean they lack mental capacity.



If a decision is made on behalf the individual who lacks capacity, it must be the best decision for them.



If a decision is made on behalf of the individual who lacks capacity, it must not take away their Rights and Freedoms.



Rights and Freedoms are basic human rights, the same as fairness and equality.

# Helping people to make their own decisions



The Act says people must be given the chance to make their own decisions if they can.



To help someone make their own decisions, the Act says we must check the following:



- The person has all the information in the way they can understand.
- The person has information about different options.



- If there is anyone else, such as a family member who could help them.



It is up to the person to decide where and when is best for them to meet.



## More information on The Mental Capacity Act



**Adult Social Care in Torbay**



01803 219700



**Torbay Children's Services**



01803 208100

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For further assistance or to receive this information in a different format, please contact the department which created this leaflet.