



November 2012

# The Mental Capacity Act 2005 – a short guide

## **Who needs to know about the Mental Capacity Act?**

- Anyone caring for someone whose mental capacity – the ability to make their own decisions – has diminished.
- All of us – because we need to think ahead to a time when our own mental capacity may be less.

## **Why are the churches interested?**

- Although the Act is relevant to the daily work of many who are caring for a family member or friend, and to anyone thinking ahead, lots of people are not aware of its provisions.

- We hope to increase awareness and signpost people to the help they need to benefit from the opportunities the Act offers for advance planning.

### **The Act is designed to:**

- Support people whose mental capacity has diminished to make their own decisions as far as possible, and when they cannot, to involve them in decisions about them.
- Enable people to plan ahead.
- Ensure that trusted friends and relatives are empowered to give the help that is needed at the time when it is needed.

### **How does the Act do this?**

- It requires carers to start by assuming that a person can make a particular decision, advises how to check if this is the case, and, where it is not, how to involve the person in the decision.
- It requires that if a decision has to be taken for someone this should be in their best interests and the least restrictive option.
- It provides for us all to plan ahead by designating one or more named individuals - attorneys - to take decisions on our behalf on either or both of 'Finance and Property' and 'Health and Welfare' under Lasting Powers of Attorney. Attorneys must take account of any information we have provided and consult people we have named.
- It gives guidance on setting up and keeping updated Advance Directives - decisions made in advance by a competent individual to refuse specified medical

treatment(s), which can include treatments necessary to sustain life.

## Useful Sources of Information

**Office of the Public Guardian** - Series of booklets downloadable from: [www.justice.gov.uk/protecting-the-vulnerable/mental-capacity-act](http://www.justice.gov.uk/protecting-the-vulnerable/mental-capacity-act) or phone 0300 456 0300:

OPG601: *Making decisions ... about your health, welfare or finances. Who decides when you can't?*

OPG602: *Making decisions: A guide for family, friends and other unpaid carers*

OPG605: *Making decisions: An easy read guide*

**AgeUK** - Easy to read overviews, available from AgeUK's free information and advice line: 0800 169 6565, or download:

IG13 *Advice for carers:*

[www.ageuk.org.uk/home-and-care/advice-for-carers](http://www.ageuk.org.uk/home-and-care/advice-for-carers)

IG21 *Powers of attorney & Factsheet 22 Arranging for others to make decisions about your finances or welfare:* [www.ageuk.org.uk/money-matters/legal-issues/powers-of-attorney](http://www.ageuk.org.uk/money-matters/legal-issues/powers-of-attorney)

IG29 *Looking after someone else's affairs:*

[www.ageuk.org.uk/publications/money-matters-publications](http://www.ageuk.org.uk/publications/money-matters-publications)

### **Church of England Pensions Board**

*Powers of Attorney:*

[www.churchofengland.org/media/49891/powerclear.pdf](http://www.churchofengland.org/media/49891/powerclear.pdf) Description of powers of attorney and the conditions under which the Board will accept instructions under the powers.

### **Catholic Bishops' Conference of England and Wales**

*The Mental Capacity Act and 'Living Wills': A practical guide for Catholics:* [www.cbcew.org.uk/document.doc?id=78](http://www.cbcew.org.uk/document.doc?id=78)

Jointly published with the Catholic Truth Society; primary focus is on end of life matters.

## Support Organisations in Cumbria and Lancashire

**Carers Lancashire:** 0345 688 7113

**Carlisle Carers:** tel: 01228 542156

email: [Admin@carlislecarers.co.uk](mailto:Admin@carlislecarers.co.uk)

**Eden Carers:** tel: 01768 890280

email: [enquiries@edencarers.co.uk](mailto:enquiries@edencarers.co.uk)

website: [www.edencarers.co.uk](http://www.edencarers.co.uk)

**Furness Carers:** tel: 01229 822822

email: [craig@furnesscarerscentre.co.uk](mailto:craig@furnesscarerscentre.co.uk)

website: [www.furnesscarers.co.uk](http://www.furnesscarers.co.uk)

**Preston Carers Centre:** tel: 01772 200173

email: [info@prestoncarers.org.uk](mailto:info@prestoncarers.org.uk)

website: [www.prestoncarers.org.uk](http://www.prestoncarers.org.uk)

**South Lakeland Carers:** tel: 01539 815970

email: [admin@slcarers.org.uk](mailto:admin@slcarers.org.uk)

website: [www.slcarers.org.uk](http://www.slcarers.org.uk)

**West Cumbria Carers:** tel: 01900 810101

email: [general@westcumbriacarers.co.uk](mailto:general@westcumbriacarers.co.uk)

**West Lancashire Carers Centre:** tel: 01695 711243

email: [enquiries@prtwlcarers.org.uk](mailto:enquiries@prtwlcarers.org.uk)

website: [www.prtwlcarers.org.uk](http://www.prtwlcarers.org.uk)

### **Alzheimer's Society:**

website: [www.alzheimers.org.uk](http://www.alzheimers.org.uk)

national helpline: 0191 275 1950

### **Lancaster/Morecambe:**

tel: 01524 402610; email: [lancaster@alzheimers.org.uk](mailto:lancaster@alzheimers.org.uk)

*Leaflet published jointly by [Churches Together in Cumbria](#) (07503 931196), [Churches Together in Lancashire](#), and [Lancaster Diocese Faith & Justice Commission](#) (01524 383081)*