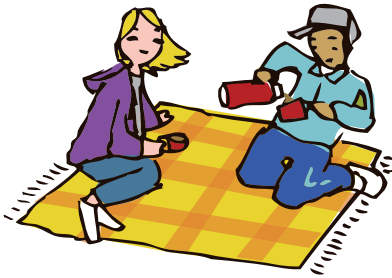


Introduction



Easy Read Document

**You and Your Care
Learning Disabilities**

What is the Mental Capacity Act



The Mental Capacity Act is a law made by government .



The Mental Capacity Act is for people over 16



The Mental Capacity Act is only for people who live in England and Wales.

What does mental capacity mean?

Mental capacity means being able to make and understand your own choices like:



what to wear.



what to eat



where to go.

If you cannot make choices like this for yourself this is called "lacking capacity."

The Mental Capacity Act says that you have the right to make ALL your own choices. Even hard choices like:



Whether to have an operation in hospital



Where you want to live



What to do with a lot of money

The Act says that you must be given all the help and support you need to make a decision

Work Choice



This might be EasyRead booklets or audio CDs.

At Work-Able

An EasyRead guide and audio CD



It might be Braille, or British Sign Language.



Or sitting down and talking with you.



No-one can stop you making a choice just because they think it is the wrong choice.

What is lacking capacity?

The Mental Capacity Act says that people are “lacking capacity” if:



they **cannot**
understand information



they **cannot**
remember information

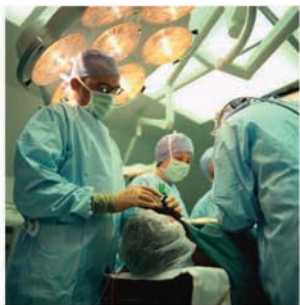


they **cannot**
weigh up information.



they **cannot**
let anyone know what
they choose

Even if you lack the capacity to make one decision, it does not mean that you lack the capacity to make all your decisions.



So you might not be able to choose whether to have a big operation or not.



But you can still choose whether to have a flu injection or not.



You might not know what to do if you won lots of money on the lottery.



But you can still choose how to spend £10 if you get 3 numbers right.

If you do lack capacity to make a decision, and somebody else has to make that decision for you, they have to choose in your **best interests**



This means that they have to choose what is best for you, not for them.



As far as possible they have to involve you in making the choice.



They have to think about your feelings and beliefs.



They have to talk to all the people who help to take care of you, such as parents, carers, partners or health professionals.

What cannot be chosen for you?

There are some decisions that can never be made by another person for someone who lacks capacity.

These are:



whether to get married



whether to have sex



giving up a child for adoption



voting at an election

Who decides if you lack capacity?

Some one might need to decide if you lack capacity to make a choice.

this might be:



a health or care professional



other professional



relative or carer

They must have a reasonable belief that you lack capacity to make a choice before they can act on your behalf.



What else is in it?

The Mental Capacity Act has a lot of information that this booklet cannot cover all in one go.

There are other things that you need to know about that are in the Mental capacity Act.

These include:

Independent Mental Capacity Advocates

The Court of Protection and Office of the Public Guardian

Lasting Power of Attorney

Advanced Decisions

For more information and support about the Mental Capacity Act you can call:

Choice Advocacy
01274 391691

Bradford and Airedale Mental Health Advocacy Group
(BAMHAG)
01274 770118

Citizens Advice Bureau
0845 120 2909

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