

# The Mental Capacity Act (2005)

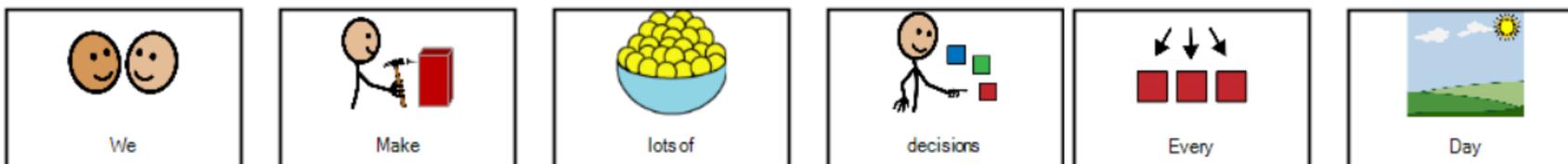
## Easy Read Level 2

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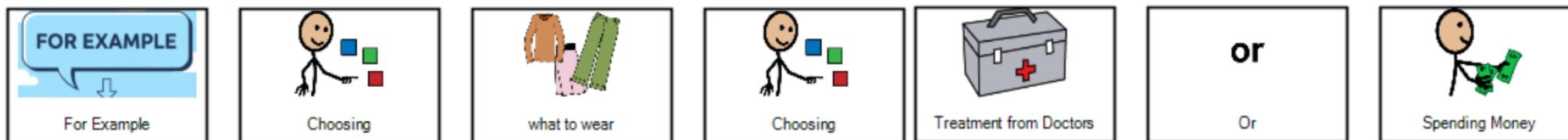
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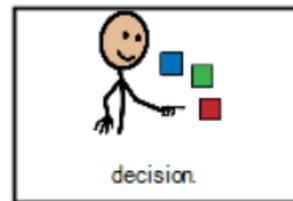
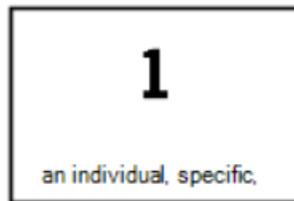
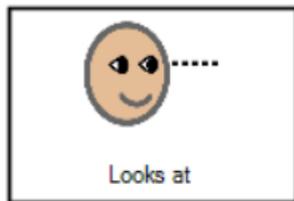
**The Mental Capacity Act is a law that protects decision making.**



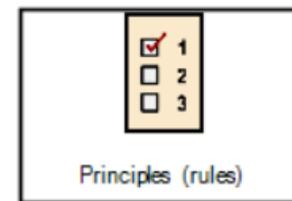
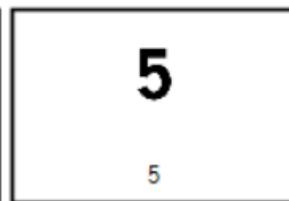
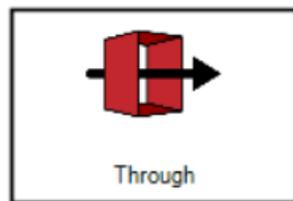
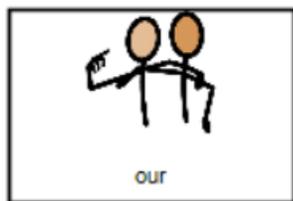
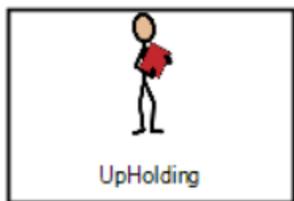
**We make lots of decisions every day.**



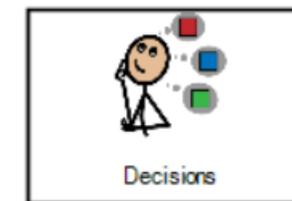
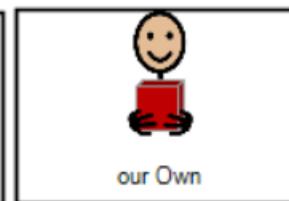
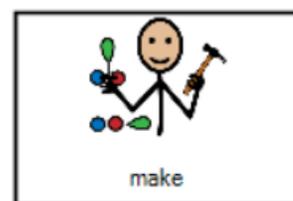
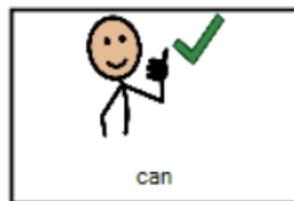
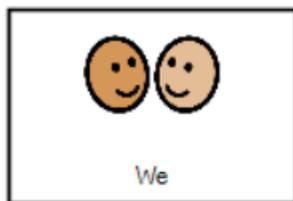
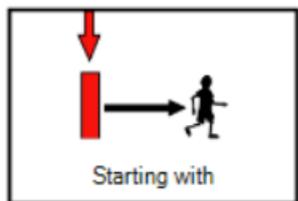
**For example, choosing what to wear, treatment from the Doctor or spending money.**



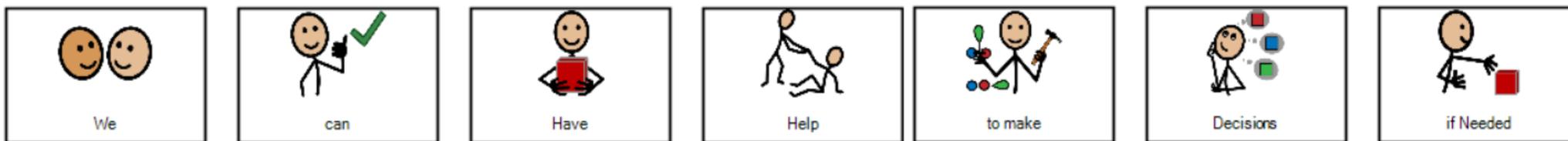
The Mental Capacity Act looks at individual (specific) decisions.



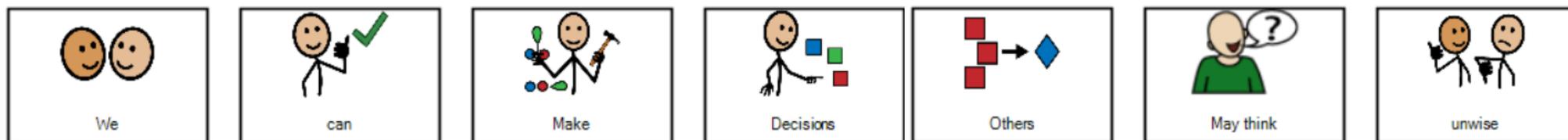
Upholding our rights through 5 principles



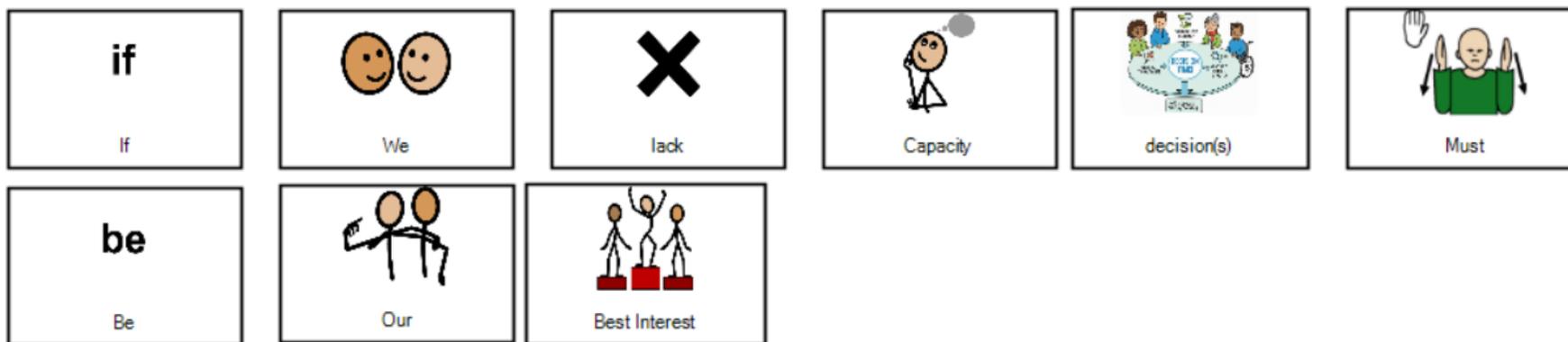
1) Starting with—we can make our own decisions (presuming capacity)



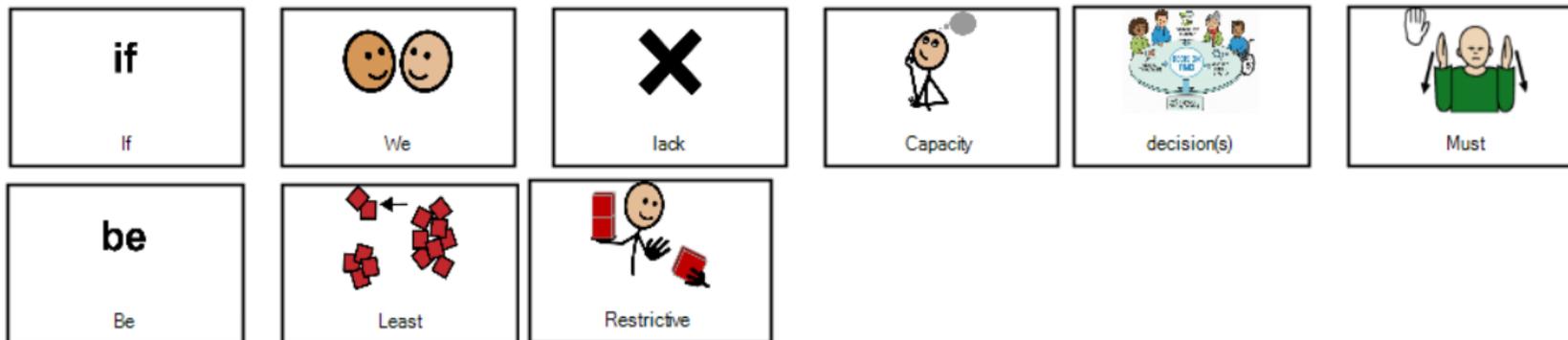
2) We can have support to make decisions, if needed (supporting capacity).



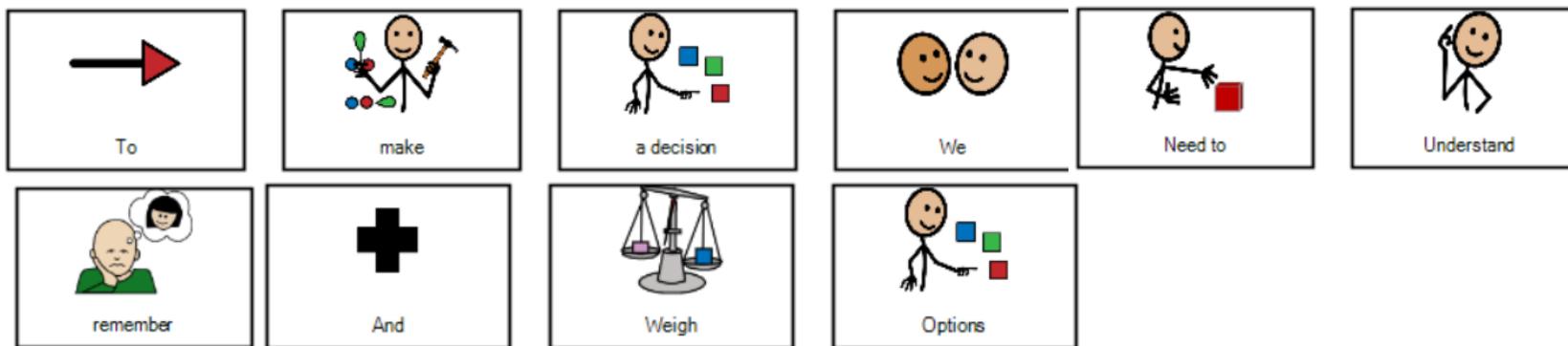
3) That we can make decisions others might think unwise' (right to make an unwise decision).



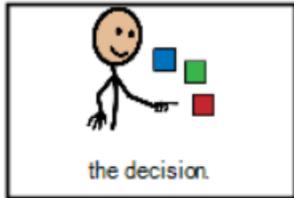
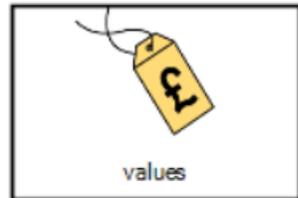
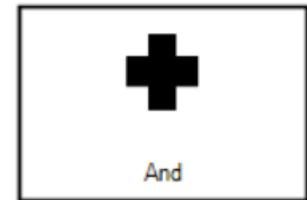
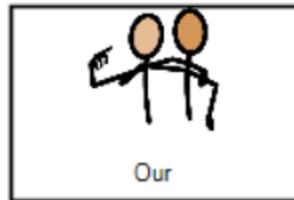
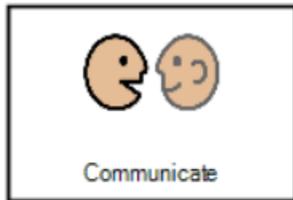
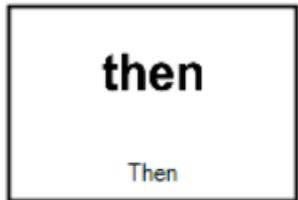
4) If we lack capacity, decisions must be made in our Best Interest. (Best Interest)



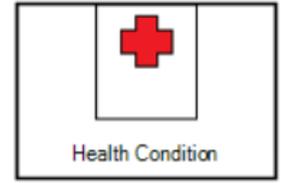
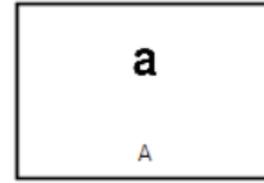
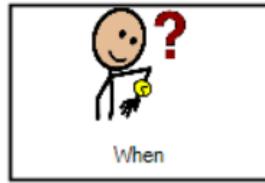
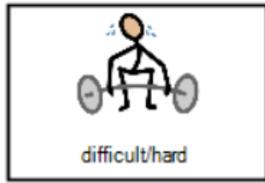
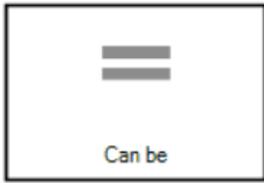
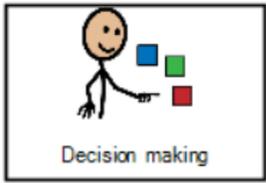
**5) If we lack capacity, decisions on our behalf must be the least restrictive. (Least Restrictive).**



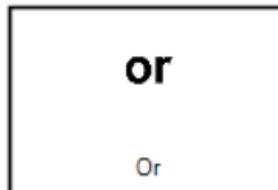
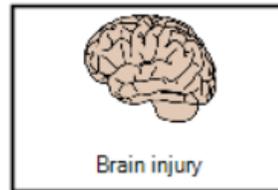
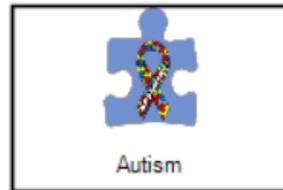
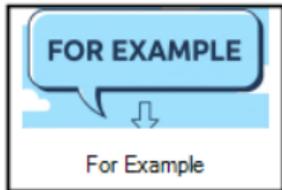
**To make a decision we need to understand, remember and weigh up the options available,**



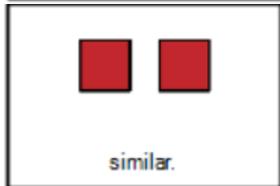
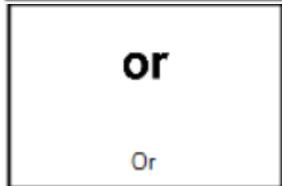
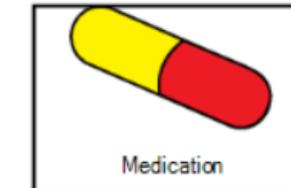
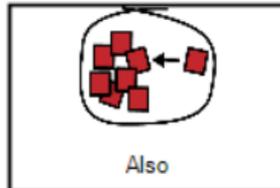
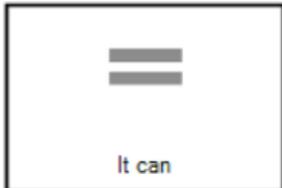
**Then communicate our wishes, feelings and values around that decision.**



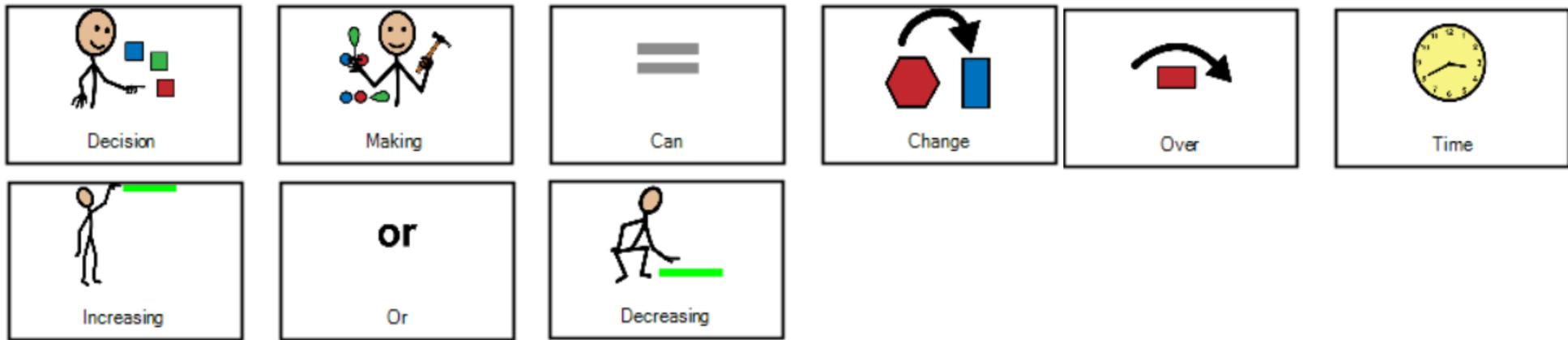
**Decision making can be affected if we have a health condition(s),**



**Such as a Mental Health, Autism, Brain Injury or an infection.**



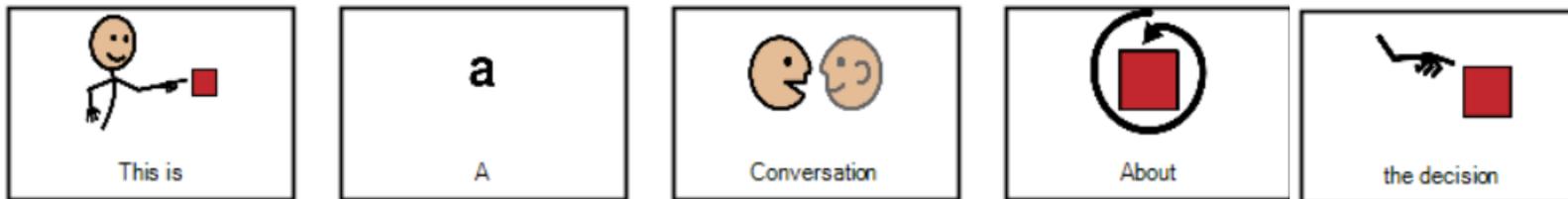
**It can also be affected by alcohol, medications, or similar.**



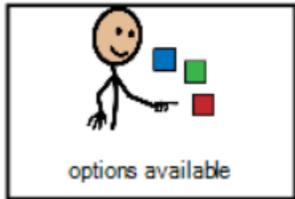
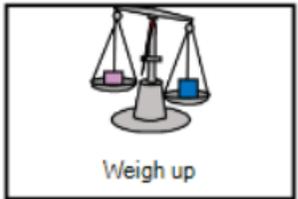
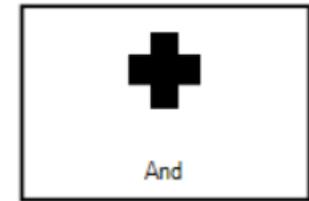
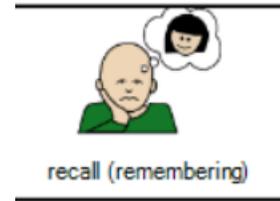
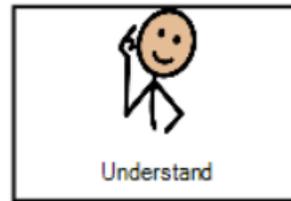
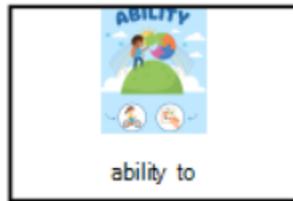
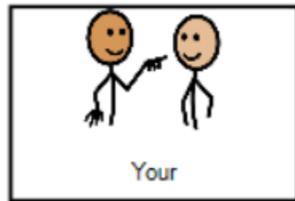
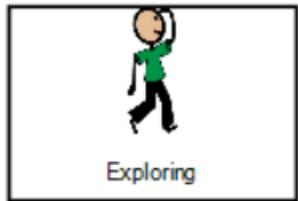
Decision making can change over time, improving and decreasing.



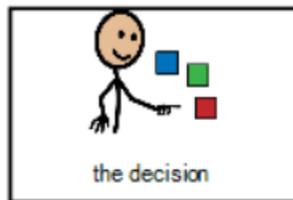
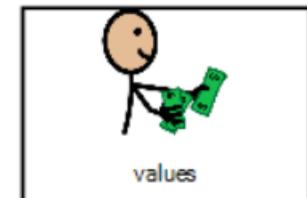
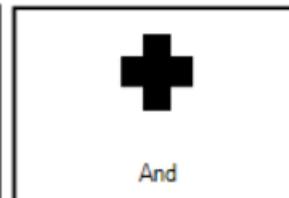
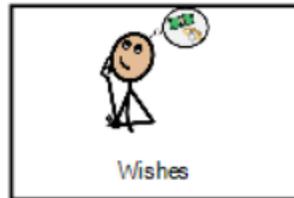
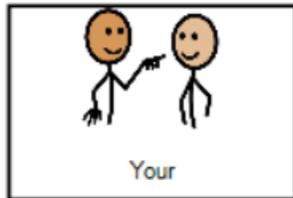
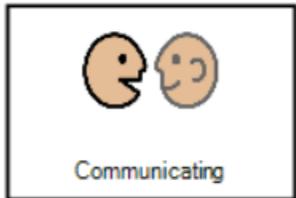
To check Mental Capacity, an Assessment might be done.



This is a conversation about the decision.



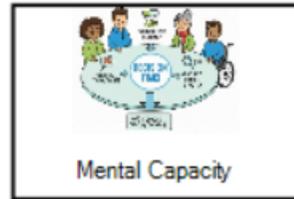
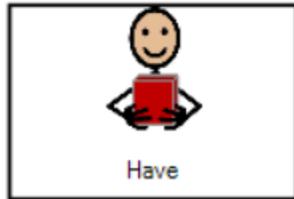
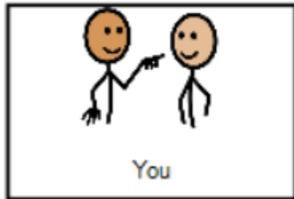
Exploring your ability to understand, remember and weigh up the options available,



Communicating your wishes, thoughts and values for the decision.

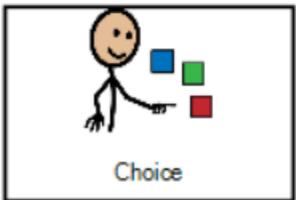
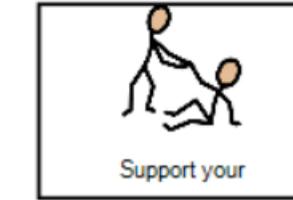
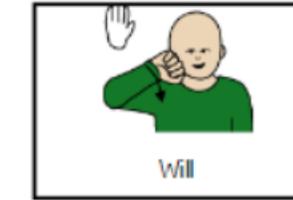
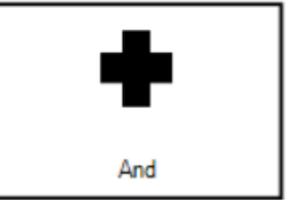
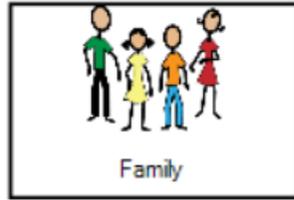
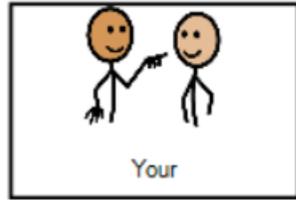
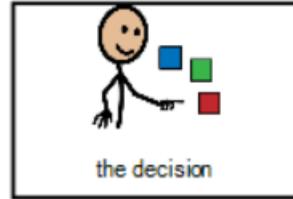
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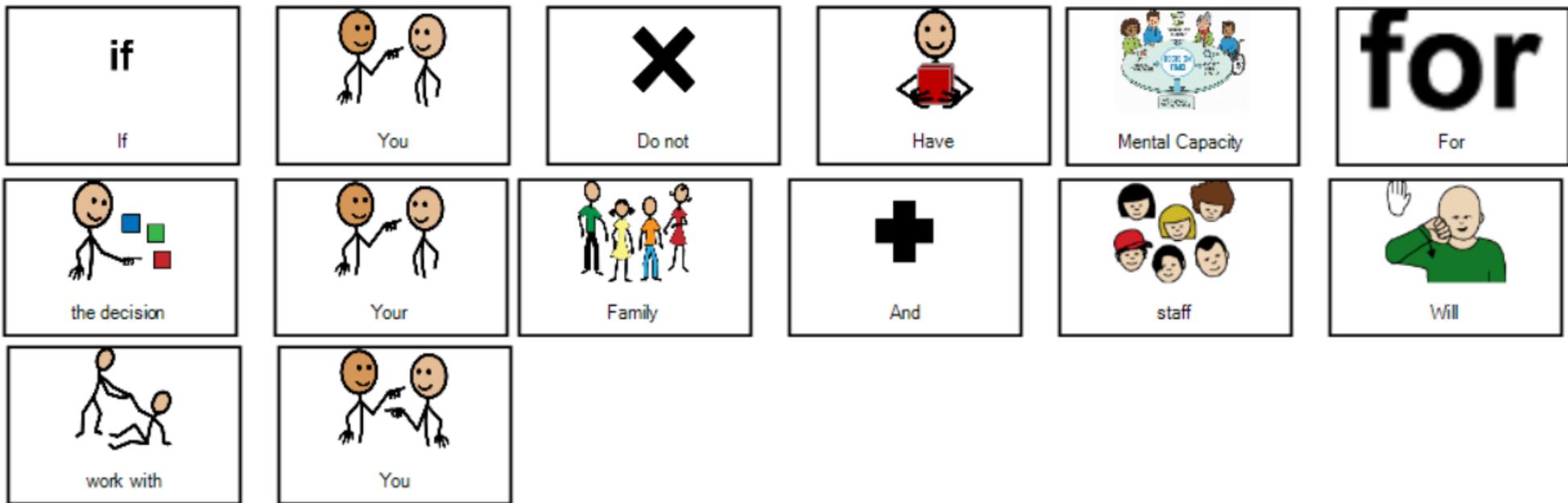


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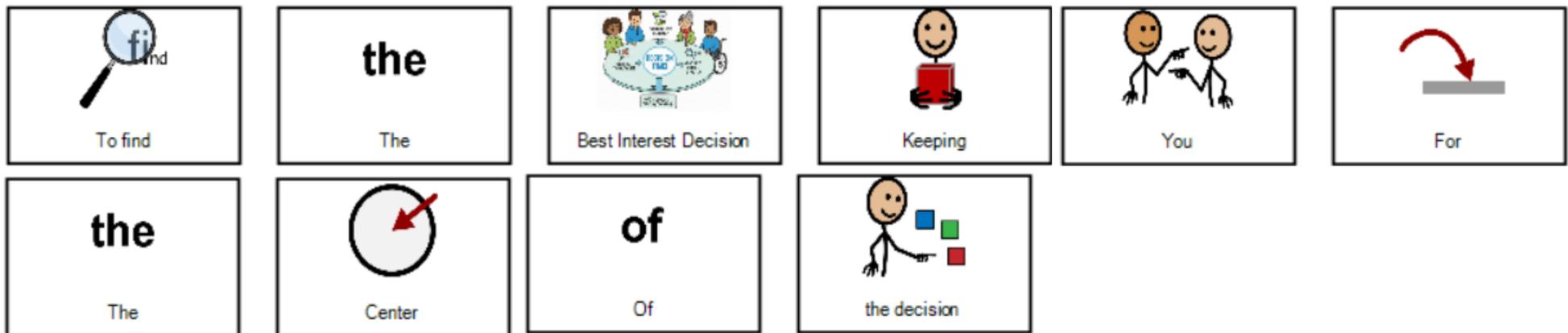
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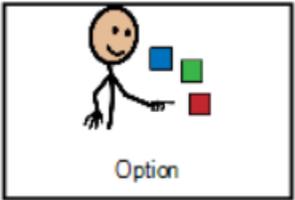
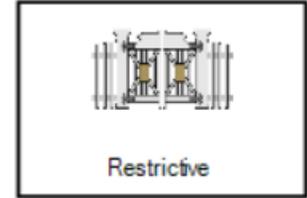
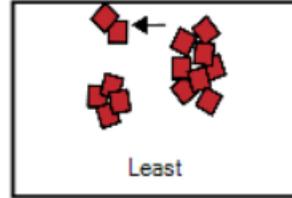
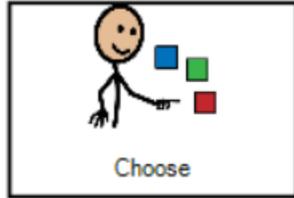
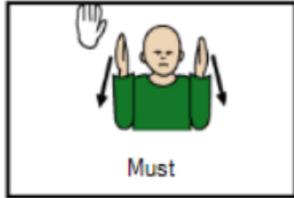
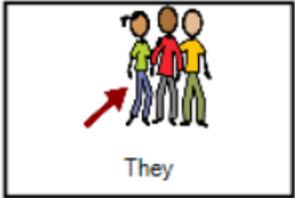
**If you have capacity for the decision, your family and staff will support your choice.**



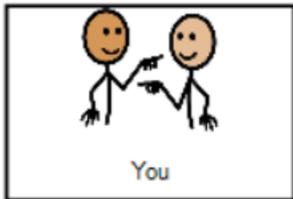
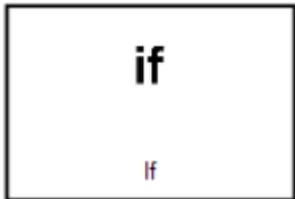
**If you do not have capacity for the decision, your family and staff will work with you**



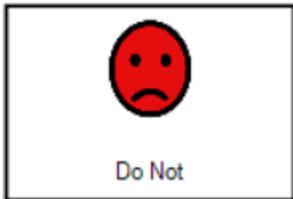
**To find the Best Interest decision, keeping you at the heart of the decision.**



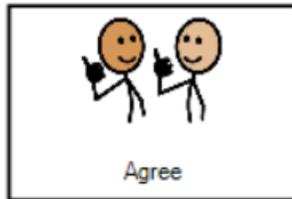
**They must choose the least restrictive option.**



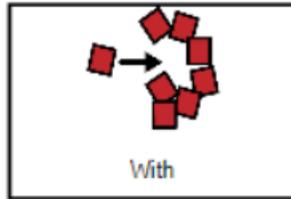
You



Do Not



Agree



With

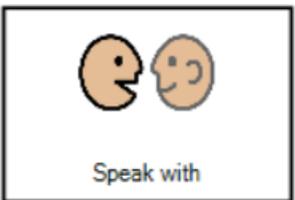


the assessment

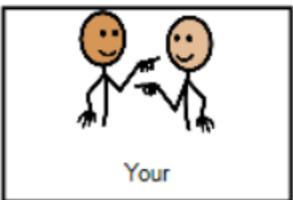


Outcome

**If you do not agree with an assessment and outcome,**



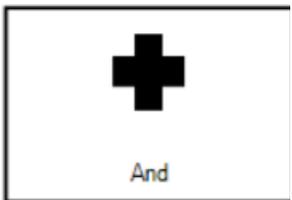
Speak with



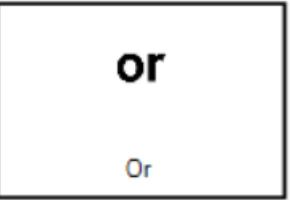
Your



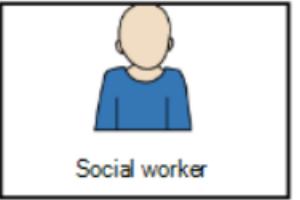
staff



And

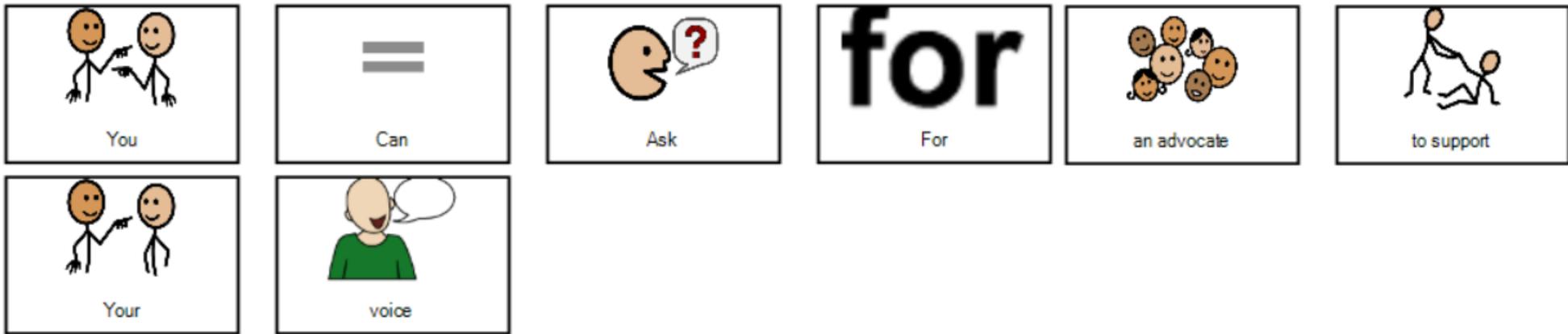


Or

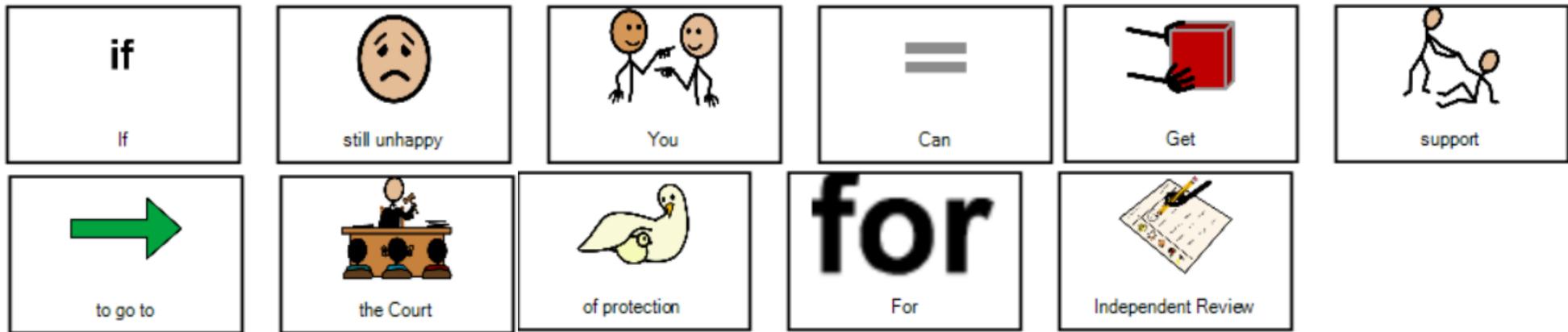


Social worker

**Speak to the staff or/and your social worker.**



You can ask for an advocate to support your voice.



If you are still unhappy with this, you can get support to go to the Court of Protection for an independent review.