

# Mental Capacity Act Update

Edition 11 | January 2007

Welcome to this easy read version of the Mental Capacity Act Update. This newsletter gives you information on a new law called the Mental Capacity Act.



The Mental Capacity Act is a new law that will help adults when they lose mental capacity. It will make clear who can take decisions, in which situations and how they should go about doing this.

If you know other people who would like to read this update then please pass it on to them.



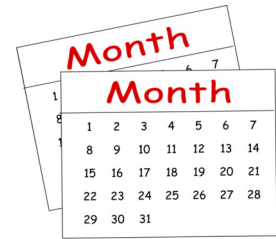
We will make new updates every few months. If you would like to be added to our mailing list then please email [makingdecisions@dca.gsi.gov.uk](mailto:makingdecisions@dca.gsi.gov.uk).



*This update is a joint communication from the Mental Capacity Implementation Programme whose members are:*

# When does the Mental Capacity Act start to work?

At the end of last year, the timetable for when the Act will be ready was announced.



**From April 2007 the following parts of the Act will be ready:**

- The Department of Health will introduce the Independent Mental Capacity Advocates (IMCA's) on 1 April 2007.

April 2007						
SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Independent Mental Capacity Advocates (IMCA's) will support and help people who lack capacity and have no one else to speak for them. They will be involved in decisions about serious medical treatment and decisions about changes to where the person lives.



- The new criminal offence of ill treatment or neglect of a person who lacks capacity will also be introduced.



This will mean that it will be against the law to badly treat or ignore someone who lacks capacity that you care for or look after.



The Code of Practice for the Mental Capacity Act will be ready in April 2007.

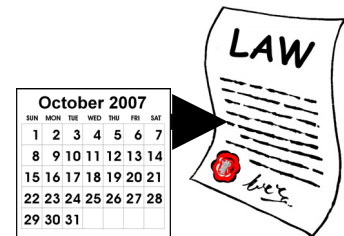


The Code will tell people how to make sure they are following the Mental Capacity Act.



### From October 2007:

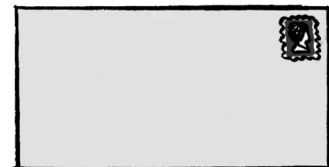
- The rest of the Act including the Court of Protection and the Office of the Public Guardian will start from October 2007.



## What if I want to know more about the Mental Capacity Act?

You can write to us at:

Mental Capacity Implementation Programme  
5<sup>th</sup> Floor Steel House  
11 Tothill St  
London SW1H 9LH



You can email us at [makingdecisions@dca.gsi.gov.uk](mailto:makingdecisions@dca.gsi.gov.uk)



You can phone us on 0207 210 0038 or 0207 210 0039



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## What Words Mean

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- **Code of Practice** – is a book which will give detailed information on how people should follow the Act. Professional people like doctors and lawyers must know what the Code says.
- **Court of Protection** – is a special Court which deals with issues about people who lack capacity.
- **Having mental capacity** – is being able to make and understand a particular decision at a particular time.
- **Lacking mental capacity** – is not being able to make and understand a particular decision at a particular time. This could be because of a stroke or brain injury, or mental health problems.
- **Independent Mental Capacity Advocate (IMCA)** – is someone who will give support and help to some who lacks capacity and has no one else who can speak for them. An IMCA will only be used when there are decisions about serious medical treatment or about a change in where a person lives.
- **Mental Capacity Implementation Programme** – is made up of 3 organisations who are in charge of making sure that the Act and all its different parts are ready for when the Act starts in 2007. The organisations are the Department for Constitutional Affairs (DCA), the Department of Health (DH) and the Welsh Assembly Government (WAG).
- **Office of the Public Guardian** –  

This is a new office set up under the **Mental Capacity Act** to check on court appointed deputies, keep a register of, and investigate concerns about, attorneys and deputies. It will also provide general information about the Act, advice on becoming a deputy, making LPAs and registering LPAs and EPAs.