

# Mental Capacity Act Update

Special Edition | April 2007

Welcome to the 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 send out 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:***

## Update on the Code of Practice

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The Code of Practice for the Mental Capacity Act is ready.

The Code of Practice tells people how to make sure they are following the Mental Capacity Act.



Some people - like lawyers, nurses, doctors, social workers or anyone who is getting paid for the job they do looking after people who do not have **mental capacity**- will have a duty to pay attention to the Code.

They will need to know what the Code says.



Family, friends, unpaid carers and others can also use the Code for information on looking after people who do not have **mental capacity**.



Some parts of the Act started to work on 1 April 2007 and the Code of Practice must be followed for them.

April 2007						
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They are:

1. The new criminal offence of ill treatment or wilful neglect of a person of any age who does not have **mental capacity**.



2. The new **Independent Mental Capacity Advocate (IMCA)** service in England.

An **Independent Mental Capacity Advocate (IMCA)** is a special type of advocate that will only speak up for people who do not have **mental capacity** if they have no family or friends to speak up for them.



## Update on Lasting Power of Attorney (LPA)

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The rules and forms for making a **Lasting Power of Attorney (LPA)** are now being looked at by Parliament.

You can look at them online at [www.dca.gov.uk/menincap/legis.htm](http://www.dca.gov.uk/menincap/legis.htm)

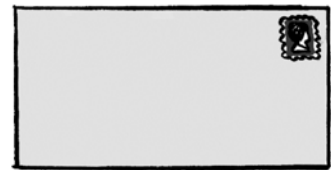
No one can make or register an **LPA** until 1 October 2007.

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

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You can write to us at:

Communications Team  
Public Guardianship Office  
12<sup>th</sup> Floor Archway Tower  
2 Junction Road  
London  
N19 5SZ



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



You can phone us on 0845 33 2900



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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.
- **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.
- **Lasting Power of Attorney (LPA)** - a legal document where you can say in writing who you want to make certain decisions for you, if you cannot make them for yourself. This person is called an **attorney**. You will be able to make a Lasting Power of Attorney from October 2007.