

The Mental Capacity Act 2005



The Mental Capacity Act says no one should assume a person cannot make decisions for themselves.



It says people should have support to make their own decisions about their lives.



For example, health care staff in hospital should give people information about their treatment in a way they can understand.



The Mental Capacity Act says people are allowed to make **unwise** decisions.



There might be times when a person cannot make some decisions for themselves. This is called **lacking capacity**.



Someone might **lack capacity** if they have a learning disability, dementia or a physical health problem, for example.



If someone **lacks capacity**, other people have a duty to make the decision for them in the person's **best interests**.



The person should still be involved as much as possible in making the decision and the decision must be the **less restrictive** option.