National Mental Capacity Forum

Supported decision making

Baroness Ilora Finlay

Working together to promote and uphold the principles of the Mental Capacity Act

2017
In Parliament

• Laws send social messages
• Mental Capacity Act
With thanks

The Mental Capacity Act 2005 and Supported Decision Making

A factsheet on the Mental Capacity Act 2005 and Supported Decision Making

From September 2014, under Part 3 of the Children and Families Act 2014, the right to make requests and decisions applies directly to disabled young people and those with SEN over compulsory school age (the end of the academic year in which they turn 16) rather than to their parents.

This has raised a lot of questions from young people, their families, and professionals working with them, about how young people can be prepared and supported to make important decisions about their future.

Preparing for Adulthood (PfA) have worked in partnership with the Transition Information Network (TIN), the Information Advice and Support Services Network (IASSN) and Making Ourselves Heard (MOH) to develop this...
Mental Capacity Act 2005 – 5 principles

1. A presumption of capacity
2. Individuals supported to make their own decision
3. Unwise decisions
4. Best interests
5. Less restrictive option

After Shropshire Council
Support people
Children and families act 2014

• Should support communicating needs and aspirations
• Staff trained
• LA ensure support is available & CYP valued
• CYP entitled to same quality and level of information, advice and support as parents, & must have confidence that they are receiving confidential and impartial information, advice and support.
Care Act 2014

- Advocacy
- P must agree to the person who is proposed to support them
- If independent advocate appointed, family and friends should still be consulted
- LA has duty to provide support
MCA: not on behalf of someone else

• Re intimate personal relationships:
  – consenting to marriage
  – consenting to sexual relationships
  – voting in elections.

• But action must be taken to protect a vulnerable person from abuse or exploitation.
Listen

Ear

Eyes

Undivided attention

Heart

You
A good supporter is someone who...

- Has an understanding of my needs
- Listens to me
- Is interested in me and my ambitions
- Can talk to or communicate with me in my way
- Gives me clear information about my options
- Is trustworthy. I may need to share personal information with them
Decision specific capacity
1. Disorder of the mind or brain?
2. Understand and retain the information
3. Weigh up information
4. Communicate their decision
Preparing for Adulthood

Employment

Independent living

Community Inclusion

Health

- Personalise your approach
- Develop a shared vision
- Improve post-16 options and support
- Raise aspirations
- Plan services together

5 key messages → 4 Pathways → Prepared for adulthood
Actively involved and enabled to participate

- Focus is on positive life outcomes, using person-centred approaches, to be as independent as possible
- Confidential and impartial information, advice and support
- Information accessible and available in a range of formats including easy read; face-to-face if want or need this; age appropriate.
Mental Capacity Act (MCA) Directory

National Mental Capacity Forum

The National Mental Capacity Forum is a joint new Ministry of Justice and Department of Health initiative.

Its purpose is to work with stakeholders from health and social care, together with those from other sectors (for example, finance, legal, police, housing) to identify complementary actions which member organisations can pursue, especially at a local level, to improve implementation of the MCA.

The Forum will bring together those responsible for implementing the MCA to identify and take forward shared actions that realise benefits for people who use services. The Forum will consist of a small, core group of stakeholders representing different areas in the sector, and a larger group of associate members.

Members of the National Mental Capacity Forum

- Online space for members of the National Mental Capacity Forum

What is the National Mental Capacity Forum

Mental Capacity Act Overview...