

# No one can decide for me. What happens when young people reach 18?

Integrated Learning Disabilities Service  
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# Aims of today:

- To increase your knowledge about the Mental Capacity Act (MCA; 2005)
- To help you understand how we support people to make decisions once they turn 18

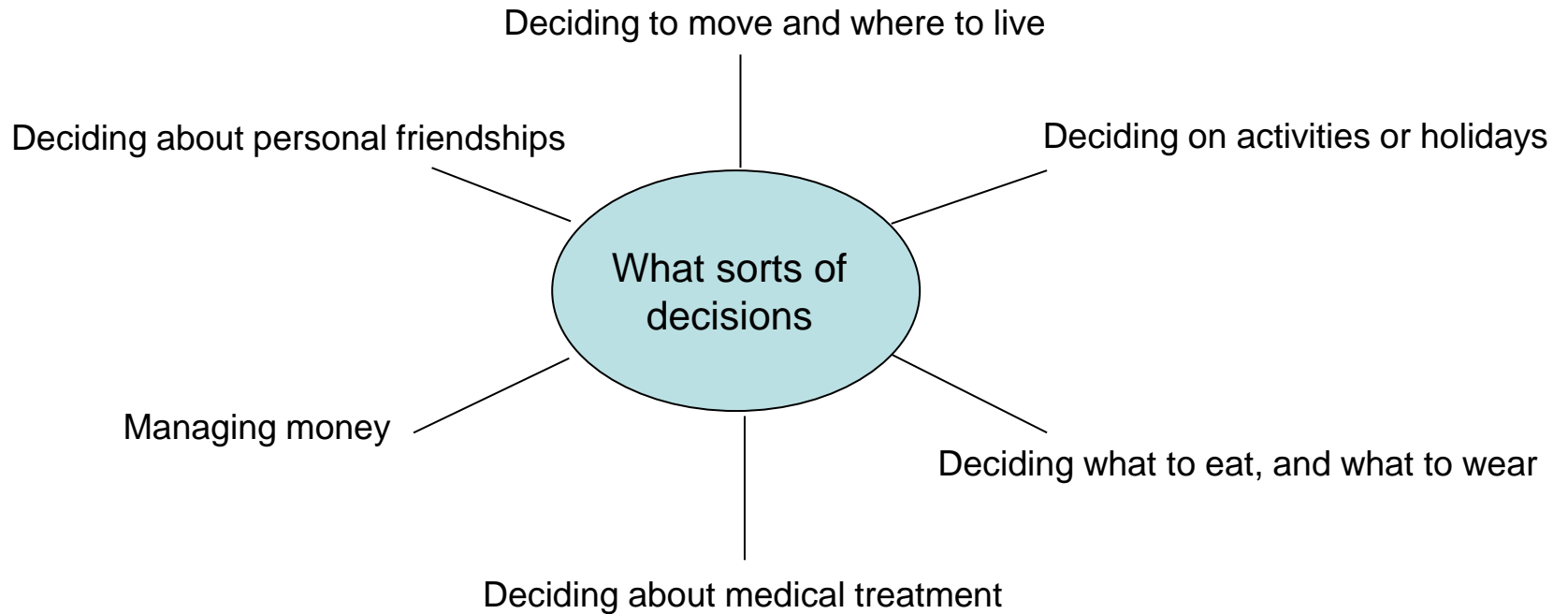
# What is the Mental Capacity Act?

- It is about how decisions are made concerning adults
- Applies to everyone (including us) aged 16 and over in England and Wales
- In force since 2005

# What does the Mental Capacity Act say?

- We must help people to make their own decisions where possible
- If they can't make their own decisions, others must make the decision for them
- This decision must be made in the person's best interests (not simple in other people's)

# What sorts of decisions?



# Can't I go on making decisions as I have done since they were a child?

- No - the law applies to all adults
- Empowers people to be supported to make their own decisions wherever possible
- If person does not have capacity, you can continue to make many decisions for them but can't automatically make all of them
- You should always be consulted

# What are the principles of the MCA

- 1) Presumption of capacity
- 2) Individuals should be supported to make their own decisions
- 3) Unwise decisions
- 4) Best interests
- 5) Less restrictive option

# Needs to be a specific decision

- MCA recognises some people have the capacity to make simple choices, but not complex decisions.
- Some people vary day-to-day
- Decisions taken about a person's capacity are always taken in relation to a particular decision at a given time



# Need to involve the person as much as possible

- Before you decide someone lacks capacity, you must take all possible steps to help them make the decision themselves
  - Communicating with them in an accessible way
  - Giving the person lots of time to process and respond
  - Repeating conversations several times
  - Using the person who communicates best with the person to talk to them

# Who decides whether or not my child has capacity or not?

- Family carers (you) will be fully involved in deciding if your child has capacity or not but the final decision lies with the one who completes the capacity assessment.
- Doesn't need to be a formal task – base your decision on your 'reasonable belief'
- Seek the views from others as appropriate

# Who decides whether or not my child has capacity or not?

- For certain decisions, professionals may be involved in the assessment
- Types of decisions can include: medical treatment, where to live , financial management consent to care
- However, it is very important that the person and their family are involved as much as possible

# Best interests - MCA

- Any decision made or anything done for an adult that lacks capacity to make a specific decision must be in their best interests
- People that can make best interests decisions:
  - Family
  - The local authority
  - Medical professionals

\*\*\*Must consult with family\*\*\*

# Do I have to have legal power to make best interest decisions for my child?

- Not usually
- The MCA 2005 changed the parents having the rights to decide to the named decision makers completing the Capacity assessment and chairing the best interest meeting

# What if people disagree about best interests or capacity assessment?

- Anyone entitled to challenge a decision
- Important for all views to be taken into account and settled locally if possible
- If disputes cannot be settled, there is a formal process to go through where a final judgement will be made (the Court of Protection)

# Finding out more about MCA

Mental Capacity Act resource pack for family carers of people with a learning disability.  
Developed by Mencap

**Any questions?**