



### The Mental Capacity Act 2005 (MCA)

The MCA is a law to empower and keep people safe who may be unable to make some decisions for themselves.



### What does 'lacks capacity' mean?

A person who lacks capacity is unable to make a particular decision for themselves because they can't:

- Understand the information about the decision
  - Retain that information
- Use that information to make the decision
  - Communicate their decision

### What is Independent Mental Capacity Advocacy (IMCA)?

The aim of the IMCA service is to provide support for people who **lack capacity** and have **no-one else** (other than paid staff) to support them to make important decisions about either:

**Serious medical treatment-** treatment which involves providing, withdrawing or withholding medical treatment

**Long term accommodation move** (a stay in a care home of more than 8 weeks or a stay in hospital for more than 28 days)





**Care Review** - where a change in accommodation has recently happened and this is being reviewed to see if it is working for the person.



**Safeguarding Adults** – safeguarding is where somebody is protected from harm



The Mental Capacity Act (2005) places a **legal duty** ( a legal duty is where somebody has to do something by law) on Health and Social Care professionals to refer to an IMCA service.



**How can I make a referral? (a referral is when somebody tells us that you might need some extra support)**

It is the **decision maker** (health or social care professional who is making the decision) that has a **legal duty** to decide if the person meets this criteria and to **make the referral**.