

Mental Capacity Act Update

edition 2 | August 2005

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This is the second in a series of monthly newsletters to update you on the progress of the implementation of the Mental Capacity Act.

To ensure that the Act works in practice, we want to work with everyone who has an interest in this important piece of legislation and we would like to hear your views and keep you updated on the work we are doing.

Please circulate this newsletter to anyone who you think may have an interest in the implementation of the Mental Capacity Act. If you do not wish to receive future updates, please email makingdecisions@dca.gsi.gov.uk to unsubscribe.

Independent Mental Capacity Advocate Roadshows

In England, the formal consultation on the IMCA was launched on the 5th of July and will close on September 30th. In Wales it was launched on the 12th of August and will close on the 30th of October. The service was introduced by the Mental Capacity Act 2005 to support and represent the most vulnerable people who are not always able to make their own decisions about their welfare, finances or healthcare.

As part of the consultation, the Department of Health is holding a series of Roadshows in England in September. Health Minister Rosie Winterton will be the keynote speaker at the London Roadshow on the 7th of September.

Three of the four Roadshows are now fully booked but places are still available in Bristol on the 14th of September. If you are interested in attending this workshop please email info@eventdotorg.co.uk. If you would like to make any comments or respond to the IMCA Consultation, please email IMCA@dh.gsi.gov.uk

IMCA Pilots

In July the Department of Health sent out an invitation to pilot the provision of advocacy services for the IMCA Service in England. To date the Department of Health has received a healthy response but encourage advocacy organisations, local authorities and health trusts that are interested in providing this service to contact lucy.bonnerjea@dh.gsi.gov.uk before the 15th of September.

This update is a joint communication from the Mental Capacity Implementation Programme whose members are:

Public Guardian

The campaign for the recruitment of the new Public Guardian is nearly complete. Interviews are scheduled to be completed by early October and we anticipate that the successful candidate will be in post by January 2006.

Code of Practice Informal Consultation Workshops

A draft Code of Practice was made available during the passage of the Mental Capacity Bill and is still available at <http://www.dca.gov.uk/menincap/legis.htm>. Work on the Code continues and the Department for Constitutional Affairs plans to publish a further draft for full consultation in March 2006.

During October we are running workshops designed to seek your views on the draft Code. These workshops will allow people with direct personal experience of incapacity, their carers, including family members, and professionals who work with them to feed back their personal experience of making decisions to ensure that the Code of Practice really reflects the needs of the people it is intended to help.

Cathy Ashton, Minister responsible for the Mental Capacity Act at the Department for Constitutional Affairs said:

“Any one of us could be unable to make our own decisions or have a relative diagnosed with dementia. Sadly, such situations are the reality for millions of people in this country and that is why the Mental Capacity Act is so important.

“It creates a legal framework under which all decisions about people who lack capacity must be taken. It touches on every aspect of a person’s life, from day to day decisions about how to spend or invest money, what to wear, to decisions about medical treatment or where to live.

“I hope people directly affected by a lack of capacity and those that live and work with them will take this important opportunity to get involved in working out to make this legislation work in practice.”

The workshops will cover issues such as how to support people to make decisions, how to assess capacity and how to make decisions for especially vulnerable people in the key areas of finance, welfare and healthcare. Space at the workshops is limited but everyone who expresses an interest in attending will be invited to share their views as part of this informal consultation process.

The workshop dates are:

Leeds 3rd October

Cardiff 6th October

London 18th October

If you are interested in attending a workshop, please contact Vanessa Rogers on telephone number 0207 210 0030 or email vanessa.rogers@dca.gsi.gov.uk before the 9th of September.

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