

Mental Capacity Act Update

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Contact details

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.

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

Independent Mental Capacity Advocate Roadshows

In England, the formal consultation on the IMCA was launched on 5 July 2005 and closed on 30 September. In Wales it was launched on 2 August and will close on 30 October. The IMCA 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 held a series of Roadshows in England in September. The events were well received and due to demand an extra Roadshow was held in Birmingham.

We are grateful to all that attended the Roadshows. Your input will be considered as part of consultation response analysis, aiding us in taking the policy forward, and implementing the IMCA service.

IMCA Pilots

The closing date for expressions of interest to pilot the provision of advocacy services for the IMCA Service in England was 15 September. The Department of Health received almost 40 expressions of interest and will be making a decision shortly. The next newsletter will provide a progress update.

Code of Practice Informal Consultation Workshops

During October we are running workshops designed to seek your views on the draft Code which is available at <http://www.dca.gov.uk/menincap/legis.htm>.

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

As publicised, these workshops are aimed at those with direct personal experience of incapacity, their carers and professionals who work with them. In this way we hope to ensure that the draft Code of Practice, issued for consultation in March 2006 reflects the needs of the people it is intended to help.

On that basis we have allocated places to front-line practitioners and those with direct experience of incapacity, whilst ensuring that we have secured a range of disciplines. Due to demand we have been unable to allocate a place to everyone who expressed an interest in attending.

If you were not allocated a place at a workshop or have just heard about the workshops and would like to contribute, we are still very keen to receive your views on the current format of the Code and any changes that you think are appropriate.

Attached with this newsletter is a short form (with guidance) that is based upon the same issues and questions that will be covered at the workshops. Please return completed forms to us by the 18 October.

LPA Consultation

Towards the end of November we intend to launch a formal consultation on the forms to be used when making a Lasting Power of Attorney. The consultation will ask for views on the format of the forms, the information that should be contained in them as well as the guidance that will be issued with the forms. The consultation will run for three months and the consultation paper including the draft forms and guidance will be available on the DCA, PGO and DH websites as well as in hard copy. The next newsletter will confirm arrangements.

Public Guardian

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

Appointment of the President and Vice-President designates of the Court of Protection

The Lord Chancellor has appointed Sir Mark Potter to act as President of the Court of Protection and Sir Andrew Morritt to act as Vice-President. Their appointments take effect from 1 October 2005 and will ensure that the judicial expertise for financial, health and welfare matters are represented at the highest level within the Court.

It is expected that the new Court of Protection will start work when the Mental Capacity Act comes into force in April 2007. These appointments are being made now to enable the President and Vice-President to be involved in the planning and implementation work associated with the new Court. They will also be involved in the preparation of Court rules and practice directions and the selection of judges who will hear Court of Protection cases.

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