

Mental Capacity Act 2005 – MCA and the importance for younger people

You may wonder why the Mental Capacity Act 2005 is so important for young people.



This is because in law there are different rights for us all when we reach the age of 16.



This is no different for young people who have learning disabilities, Autism and other needs. As young people grow, they are realising and developing their understanding and decision making all the time.



As we support and educate young people, whether this is at home, school, college or in other settings, it is important we are all aware of the statutory principles provided by the Mental Capacity Act 2005. This also helps to make sure their Human Rights are being promoted. The MCA says we must always **Presume Capacity**. This makes sure the individual is at the centre of any

decision and that we assume they can make the decision themselves. When we apply the MCA principles and listen to the persons wishes and feelings this will help to ensure they make the decisions that are right for them, for their identity and autonomy. The young person might need support to make their own decisions, this is called **supported decision making and it is the second principle of the MCA.**

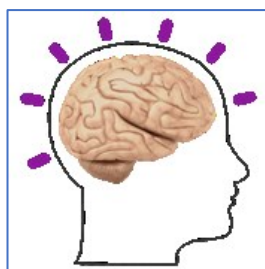


If we apply this over time, young people can learn the skills to think things through and plan for the small and big choices in life. All of us play a part in working with the young person including making sure everything is in place to support decision making. Things like giving them enough time or having an advocate can be of great benefit in certain circumstances as they can offer an impartial service.



The Mental Capacity Act also tells us that someone can't say a young person lacks mental capacity just because their decision is unwise. We all make unwise decisions and this is often how we learn and grow. **This is the third principle of the Mental Capacity Act**

The Mental Capacity Act also allows for others to make decisions when a young person does not have mental capacity to do so, due to an impairment in the functioning of their mind or brain,. This is called acting in the person's **Best Interests**. A best interests decision maker must look for the **least restrictive option. These are the last two principles of the Mental Capacity Act.**



The Mental Capacity Act gives clear guidance about decision making, looking at all decisions at specific times to see if the person is able to:

- Understand the information
- Retain, remember the information
- Use and Weigh the information
- Communicate their decision back

The images below are from a card produced by Joint Training in partnership with Taking Part Advocacy service and shows the MCA principles.

Mental Capacity Act 2005

- 1, 2 & 3 are all about me
- 4 & 5 you do with me if I lack capacity.

"Capacity means I can make my own decision. I need the information in a way that I can understand. I can then decide what to do."

Shropshire Council

Taking Part

5 rules for supporting me

- 1 Start by thinking I **can** make a decision
- 2 Do **all** you can to **help** me make a decision
- 3 You must **not** say I lack capacity just because my decision seems unwise
- 4 Use a **best interest checklist** for me if I can't make a decision
- 5 Check the decision made **does not** stop my freedom more than needed

For further MCA training information please contact Joint Training: Tel: **01743 254 734** E-mail: joint.training@shropshire.gov.uk