**Mental Capacity Act (MCA) 2005**



The ‘Mental Capacity Act’ is an **important law for people with a learning disability**. It helps make sure that people who may lack capacity to make decisions on their own get the support they need to make those decisions.

The websites below are two sites that have information to explain the process. There are many others online too.

[What is The Mental Capacity Act? | Mencap](https://www.mencap.org.uk/advice-and-support/mental-capacity-act#:~:text=The%20%E2%80%98Mental%20Capacity%20Act%E2%80%99%20is%20an%20important%20law,the%20support%20they%20need%20to%20make%20those%20decisions.)

[Mental Capacity Act 2005 at a glance | SCIE](https://www.scie.org.uk/mca/introduction/mental-capacity-act-2005-at-a-glance#principles)

The MCA has been in force since 2007 and applies to England and Wales. The primary purpose of the MCA is to promote and safeguard decision-making within a legal framework.

Main Principles

1. Always assume the person is able to make the decision until you have proof they are not.
2. Try everything possible to support and empower the person make the decision themselves wherever possible.
3. Do not assume the person does not have capacity to make a decision just because they make a decision that you think is unwise or wrong.
4. If you make a decision for someone who cannot make it themselves, the decision must always be in their best interests.
5. Any decisions, treatment or care for someone who lacks capacity must always follow the path that is flexible and the least restrictive of their basic rights and freedoms.

It's also important to remember that a person may have capacity for some decisions but not others, or they may not have capacity right now but may regain it in the future with support. This means all capacity decisions should be regularly reviewed to make sure they still reflect the person's ability to make decisions.