

Do you know someone who cannot make decisions for themselves about their treatment or care?

For example because they have:
DEMENTIA?
A LEARNING DISABILITY?
A BRAIN INJURY?

The law is changing if you are in a care home or hospital from 1st April 2009.

The families, carers, friends and supporters of people affected may be asked to take a new formal role.

Wandsworth Carers' Centre



Wandsworth

Teaching Primary Care Trust



Wandsworth
Safeguarding
Vulnerable Adults



THE BRIGHTER BOROUGH
Wandsworth

What is changing?

The Mental Capacity Act is a law about how to care for the needs of people who cannot make decisions for themselves because of a “disturbance to the brain”. This mainly affects people who have dementia, a learning disability or a brain injury; it may affect some people who have mental health problems.

The law is changing to protect people so that they cannot be treated in a way which “deprives them of their liberty” (except in an emergency) unless special assessments have been done and a Council or Primary Care Trust has agreed. The change in the law is known as the introduction of “Deprivation of Liberty Safeguards”.

The law says that the Mental Capacity Act Deprivation of Liberty Safeguards must be used if people need to have their liberty taken away in order to receive care and/or treatment that is in their best interests and protects them from harm.

What has this to do with me?

Alerting the Council or PCT

you can ask the care home or hospital concerned to make an application for approval of any deprivation of liberty under the Deprivation of Liberty Safeguards. If they do not do this within a reasonable period, and you remain concerned, you can ask the responsible local authority or primary care trust to look into the situation.

Providing information

When your relative or friend is assessed the assessor will want to speak to any relevant family members or carers who know the person being assessed to help them to understand the situation.

Becoming a representative

In law from 1st April 2009, anyone which the Council or PCT agrees should be “deprived of their liberty” in their best interests must have a named person, supporter, known in the law as “Relevant Person’s Representative”.

Normally a family member or close friend. This will mean visiting and alerting the Council or PCT if you think arrangements should change and a review is necessary.

Support for you

As a “...Relevant Person’s Representative...” , you are entitled to help from an Independent Mental Capacity Advocate (IMCA) if you would like it.

More information

The Government will be publishing information booklets for carers and there will be made widely available through Wandsworth Carers Centre, Mencap, and Wandsworth Careline when they are published. If you want to talk to someone about the changes please call:

Wandsworth Carers Centre:

(020) 8877 1200

Mencap:

(020) 8874 8178

For Government booklets contact CareLine :

Address: PO Box 33439, London SW18 1XH

Phone: (020) 8875 0500

Minicom: (020) 8643 8985

Fax: (020) 8643 8531

Email: careline@clara.net

Website: www.careline.org.uk