

## Countdown to the Mental Capacity Act 10 – Are you ready for the Mental Capacity Act 2005?

The Mental Capacity Act 2005 is now fully in force, the final provisions having come into force on 1 October 2007. As we have explained in our “countdown” briefings, the Act provides statutory protection for people who lack the capacity to make their own decisions.

The Act is particularly relevant to healthcare bodies who deal with the elderly and those with learning disabilities. Such healthcare bodies should ensure that their staff are fully aware of the provisions of the new legislation and the implications for the day to day care and treatment of individuals who lack capacity. It is important that staff receive training about the Act and the Code of Practice. RadcliffesLeBrasseur have undertaken extensive training of staff in hospitals and care homes on the new legislation.

If there are any healthcare organisations that have not yet reviewed their policies in the light of the Mental Capacity Act, it is important that they now do so

urgently. The relevant policies to be reviewed will include policies on the following topics:

- Consent
- Confidentiality
- Advance directives
- ECT
- Resuscitation
- Retention of tissues and organs
- End of life decisions

A number of solicitors in our specialist healthcare team have detailed knowledge of the new legislation. Should you require advice on the reviewing and redrafting of policies, training of staff or any other aspect of the Act, you are welcome to contact us.

We have also prepared a simple guide to the Act which we anticipate will be useful for healthcare staff to familiarise themselves with the legislation. This is available at a cost of £25 + VAT and requests for copies should be sent to Samantha Hovey at [sam.hovey@rlb-law.com](mailto:sam.hovey@rlb-law.com).

For more information on the Mental Capacity Act 2005,  
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