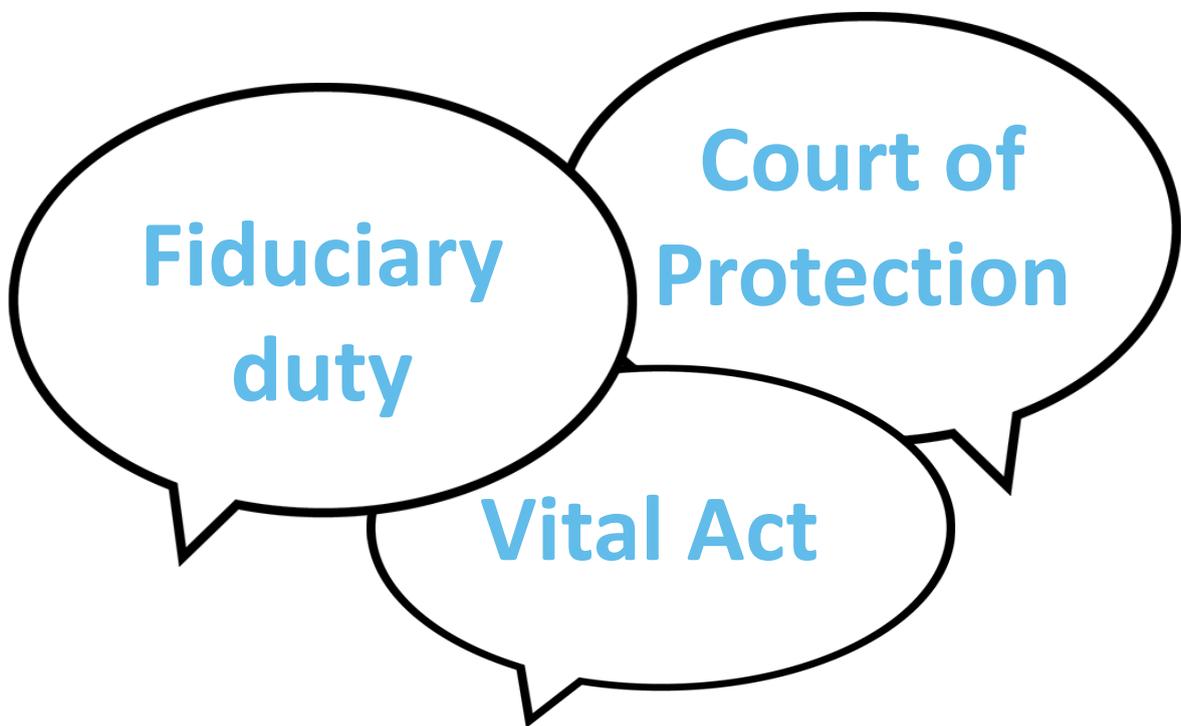


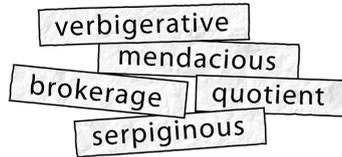
# Mental Capacity Act and Liberty Protection Safeguards

## Our words explained



**Easy read booklet**

# About this booklet



This booklet is a **glossary**.  
A **glossary** is a list of difficult words and what they mean.



We have written some booklets about the **Mental Capacity Act** and **Liberty Protection Safeguards**.



This glossary explains some of the words we used in those booklets.



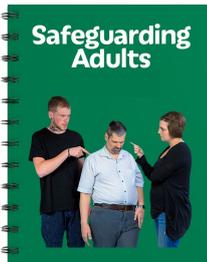
Any words in this booklet that are **in black bold like this** are other words that you are explained in this booklet.

## Acts in connection with care or treatment



Things that carers, or other health or care workers, do for someone's care or treatment.

## Adult safeguarding procedures



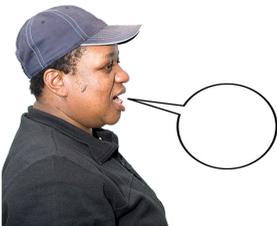
Plans that are followed to make sure adults are kept safe or to find out what happened if someone is hurt.

## Advance decision to refuse treatment



When a person with **capacity** says they want to refuse some types of care or treatment in the future.

## Advocacy



When someone speaks up for another person.

## Agent



A person who is allowed to do things for someone else. An **Attorney** and a **Deputy** are examples of an agent.

## Appointee



A person who is allowed to collect benefits or pensions for someone who lacks **capacity**. They must use the money to buy what the person who lacks **capacity** needs.

## Appropriate Body in LPS



A group of people who are allowed to give advice about the right ways to get information about people who lack **capacity**.

## Appropriate Person



A person who is chosen to help and speak for someone who lacks **capacity**.

## Approved Mental Capacity Professional or AMCP



A person chosen by the **Responsible Body** to give extra help with the **LPS** process. They will decide if the rules have been followed when someone loses some of their rights and freedoms.

## Arrangements in LPS



The part of a person's care or treatment which may mean they lose some of their rights or freedoms.

## Assessment and Determination



Assessments means checks. Determinations means decisions. There are 3 assessments in the **LPS** process and a determination is made for each one.

## Attorney



The person someone chooses to make decisions about their life. It is written down in a legal form called a **Lasting Power of Attorney** or **Enduring Power of Attorney**.

## Authorisation in LPS



An agreement that someone can lose some of their rights and freedoms. It is given by the **Responsible Body** if the if the **authorisation conditions** have happened.

## Authorisation conditions in LPS



A list of things that must happen before the **Responsible Body** can give **authorisation**.

## Authorisation record in LPS



The information kept about the **arrangements** and the **authorisation**.

## Best Interests Decisions



The best choices for someone's life when the person lacks **capacity** to make their own decision. The law says how to work out the best choices.

## Capacity



Being able to make a decision about your life at the time when the decision needs to be made. If someone lacks capacity they might not be able to make that decision.

## Capacity Assessment and Determination in LPS



Checks and a decision to find out if someone lacks **capacity** to agree to the **arrangements**.

## Care Act 2014



A law in England that says who should get care and support, who should give care and support, and the checks that should happen.

## Carer



A person who is paid to give care to someone who needs it.

## Unpaid carer



A person who gives care to someone who needs it but is not paid.

## Children Act 1989



A law about children and everyone who looks after children.

## Children and Families Act 2014



A law that joins together different laws about children. This law talks about how to keep children safe.

## Clinically Assisted Nutrition and Hydration or CANH



A treatment that helps people who can't eat or drink. It gives them the things their body needs through a tube.

## Consultation



The process of talking to people. The decision-maker must talk to the person who lacks **capacity** and everyone involved with their care. This is so they can find out what the person wants and how they feel.

## Consultee



A person who is asked to talk about what they do and what they think, as part of a **consultation**.

## Court of Protection



An official place where decisions can be made about **mental capacity** and **best interests**, and where decisions can be made for people who lack **capacity**.

## Court of Protection visitor



A person who the **Court of Protection** or **Office of the Public Guardian** chooses to visit certain people to find out what they need to know about the person.

## Data Protection Act 2018



A law in the UK about how to keep personal information about people safe.

## Decision-maker



A person who makes decisions. Lots of different people might need to make decisions for someone who lacks **capacity**. Decision-makers must work out what are the best choices for someone's life.

## Declaration



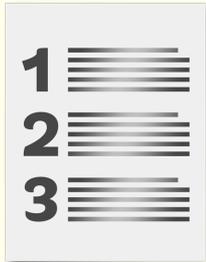
A command or instruction from the **Court of Protection**. This might be about something that has to be done or a decision that has been made.

## Deputy



A person chosen by the **Court of Protection** to make decisions for someone who lacks **capacity**.

## Disclosure and Barring Service or DBS



Part of the government that keeps lists of people who have broken the law. An organisation can ask the DBS which laws someone has broken to help them decide if that person can work in a certain job.

## Donee



A person who is chosen to be an **attorney**. They are chosen by a **donor** and their name is written in a **Lasting Power of Attorney** or **Enduring Power of Attorney**.

## Donor



A person who makes a **Lasting Power of Attorney** or **Enduring Power of Attorney**.

## Enduring power of attorney or EPA



An official form that lets a person choose someone they trust to make decisions about their life. It is made with a law called the Enduring Powers of Attorney Act 1985.

## Equality Act 2010



A law about treating everyone fairly and equally.

## Equality Act 2010 – disability



In this law a disability means an illness or problem that affects your body or your brain. It is a disability if it has a big effect on normal activities you would do every day, and if it lasts for a long time.

## Family Division of the High Court



An official place where decisions can be made about families, marriages and children.

## Fiduciary duty



This means you must make decisions that are best for someone else and not yourself. This is important if you are an **agent** and you are making decisions for someone else.

## Guardianship



The process of choosing a person to officially look after someone with a **mental disorder** and make sure they get the care they need.

## Health and Social Care (Safety and Quality) Act 2015



A law to make sure the quality of care is good.

## Human Rights Act 1998



A law in the UK about the basic human rights every person should have for their whole life, like fairness and being able to choose to do the things they want.

## Human Tissue Act 2004



A law about what happens when someone wants to give parts of their body to help someone else.

## Ill-treatment



When someone is treated badly on purpose. The **Mental Capacity Act** talks about ill-treatment of someone who lacks **capacity**.

## Independent Mental Capacity Advocate or IMCA



A person chosen to help and speak for someone who lacks **capacity** if they have no family or friends to do this. IMCAs have to work out **best interests decisions** for some treatment and living changes or help with the **LPS** process.

## Information Commissioners Office or ICO



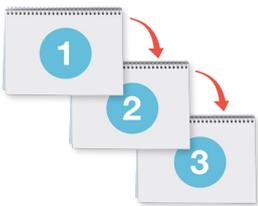
This organisation makes sure that personal information about people is kept safe and laws like the **Data Protection Act 2018** are followed by everyone.

## Lasting Power of Attorney or LPA



An official form that lets a person choose someone they trust to make decisions about their life. It is made with a law called the **Mental Capacity Act 2005**.

## Liberty Protection Safeguards or LPS



The process that should be followed when care or treatment that needs to be given to someone who lacks **capacity** means they will lose some of their freedom.

## Life sustaining treatment



Any medical treatment that is needed to keep someone alive.

## Litigation friend



A person who the **Court of Protection** chooses to help with legal decisions for someone who lacks **capacity**.

## Local Government and Social Care Ombudsman



An organisation that looks into complaints about councils in England. They help with complaints about things like housing, planning, education and care.

## Makaton



Hello

A language made of signs and symbols to help people understand.

## Mediation



A process for sorting out a disagreement without going to court but with the help of someone who is fair to both sides.

## Medical Assessment and Determination



Checks and a decision to find out if someone has a **mental disorder**.

## Mental capacity



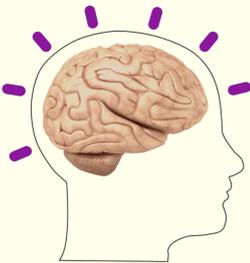
Being able to make decisions about your life at the time when the decisions need to be made.

## Mental Capacity Act 2005 or MCA or 'the Act'



A law in England and Wales that helps people make their own decisions and says what happens when people lack **capacity**.

## Mental disorder



A mental health condition that affects how you think and behave.

## Mental Health (Wales) Measure 2010



A law in Wales about checks and treatments for people with **mental disorders**.

## Mental Health Act 1983



A law in England and Wales that says what happens to people with **mental disorders** and when they can be kept in a place where they don't want to be.

## Monitoring Bodies



The organisations that check and write reports on how the LPS process is working.

## Necessary and Proportionate Assessment and Determination



Checks and a decision to find out if the LPS **arrangements** are needed to keep someone safe, if the **arrangements** are fair, and if they are the best choice for their life.

## Notification duty



This means the **Responsible Body** must tell the **Monitoring Body** regularly about certain things. This includes the dates when an LPS **authorisation** is given or when it ends.

## Office of the Public Guardian or OPG



The part of the government in charge of **deputies**. It also keeps a list of **deputies**, **Lasting Powers of Attorney** and **Enduring Powers of Attorney**, and deals with complaints about **attorneys** or **deputies**.

## Official Solicitor



A legal person who will be the **litigation friend** if there is no-one else to do it.

## Parental Responsibility



All the jobs a parent has to do for their child by law. A person with parental responsibility means anyone who is a parent or acts as a parent to a child.

## Parliamentary and Health Service Ombudsman



An organisation that looks into complaints about the government and the NHS.

## Personal welfare decisions



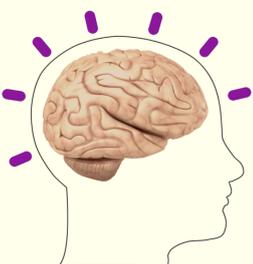
Any decisions about someone's care, like where they live, what they wear, their medical treatment or what they eat.

## Pre-authorisation review



A check of all the information the **Responsible Body** has, to decide if the LPS **authorisation conditions** have happened.

## Prolonged Profound Disorder of Consciousness or PDoC



An injury to the brain that means someone doesn't know anything that is happening around them and cannot communicate with anyone, and this won't change.

## Property and affairs



The things a person owns, like buildings or cars, the money they have and any money they have to pay.

## Protection from liability



People are protected by the law if they have followed the law.

## Public Services Ombudsman for Wales



An organisation that looks into complaints about the government and the NHS in Wales. They help with complaints about things like housing, planning, education and care.

## Receiver – now called a Deputy



A person that the **Court of Protection** chooses to look after the **property and affairs** of someone who lacked **capacity**.

## Regulation and Inspection of Social Care (Wales) Act 2016



A law in Wales about the process to check the quality of care is good.

## Renewal



The process of making something last longer. Renewal might happen if an **LPS authorisation** is ending soon.

## Responsible Body



The organisation in the **LPS** process that decides about **arrangements** for someone who lacks **capacity**.

## Restraint



When a person is stopped from moving in a free way. The law says that restraint can only be used if it is needed to keep someone safe and stop them from being hurt more.

## Review



A check. In the **LPS** process a review is done to check if an **authorisation** is still needed.

## Statutory principles



The 5 main ideas of **the Act**.

- Expect people to have **capacity**.
- Support people to make decisions.
- Bad decisions don't always mean people lack **capacity**.
- Work out **best interests**.
- Have the least impact on freedom.

## The Additional Learning Needs and Education Tribunal (Wales) Act 2018



A law in Wales about giving extra help with learning to children and young people who need it.

## The mental health tribunal



An official place that can make decisions to give people their freedom back if they have been kept in a place where they don't want to be because of a mental disorder.

## The Social Services and Wellbeing (Wales) Act 2014



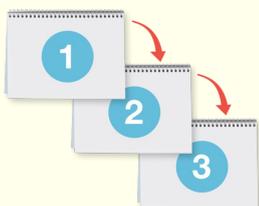
A law in Wales about care and support. This law helps people to live the life they choose for as long as possible.

## The United Nations Convention on the Rights of Persons with Disabilities or UNCRPD



An international agreement about the rights of disabled people.

## Three stage test of capacity



The 3 steps in **the Act** to check that someone has **capacity**.

- Can the person make the decision?
- If they can't make the decision, do they have a problem that affects their brain?
- Is the problem with their brain the reason why they can't make the decision?

## Variation



Changes to an **authorisation**.

## Vital Act



Anything that needs to be done to stop someone's health getting much worse.

## Wilful neglect



When someone is deliberately not cared for properly. **The Act** says it is illegal to treat someone who lacks **capacity** badly or not care for them properly.

## Written statement of wishes and feelings



When someone writes down what they want or how they feel. They might write this while they have **capacity** so that it can be read in the future.