



Department
of Health &
Social Care

Rules about the Mental Capacity Act and the Deprivation of Liberty Safeguards in relation to caring for people during the Coronavirus pandemic

Easy Read version of: The
Mental Capacity Act (2005)
(MCA) and Deprivation of
Liberty Safeguards (DoLS)
During the Coronavirus
(COVID-19) Pandemic.



**easy
read**

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Introduction



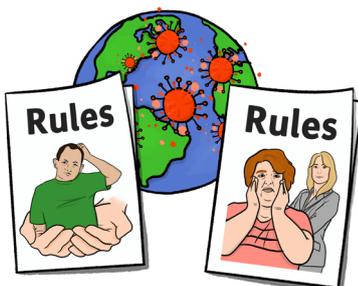
This Easy Read information comes from the Government.



It includes rules that order people to be looked after safely who can't make decisions for themselves during the **Coronavirus (COVID-19) pandemic**.

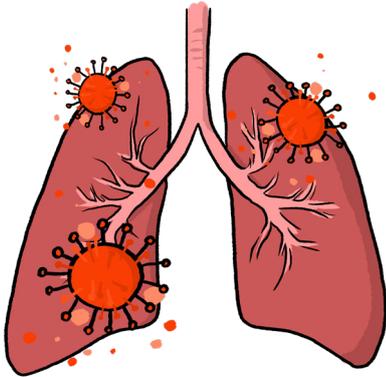


There are laws which say what carers and services must do if you can't decide things for yourself.



This information explains how these laws work during the **Coronavirus (COVID-19) pandemic**.

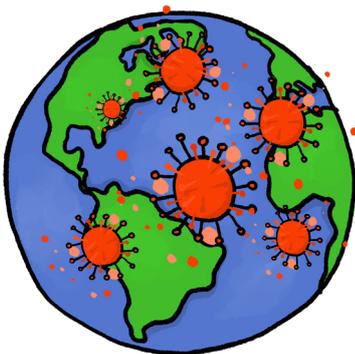
The Coronavirus (COVID-19) pandemic



Coronavirus (COVID-19) is a new illness that can affect your lungs and breathing.



It is easy to catch Coronavirus. Most people will be OK, but some will be very ill. Some people will die if they catch it.



A **pandemic** is where an illness spreads around the world.

Caring for people during the pandemic



Carers and people who provide services for you may have to change how they care for you during the pandemic.

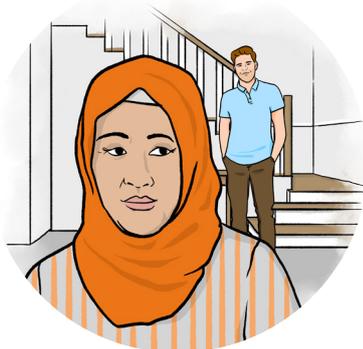


For example they may have to:

- give you some new medication or treatment.



- think about the safest place for care and treatment, which could mean moving.



- keep you inside and away from other people to stop you catching Coronavirus.

The Mental Capacity Act (2005)



The Mental Capacity Act 2005 is a law that affects people age 16 or over.



It sets out the law for how decisions are made for the care or treatment of people who cannot make decisions for themselves.



It gives rights to people who cannot make decisions for themselves.



Who may be affected?

People who are not able to make decisions for themselves may have:

- **dementia**
- **a mental health illness**





- a stroke



- a learning disability



Dementia is an illness where people have difficulty remembering things.



A **mental health illness** is an illness that affects your mood, thinking and behaviour.



A **stroke** is where something stops enough blood getting to the brain and part of the brain dies.



A **learning disability** is where someone has difficulty in understanding things.

The Mental Capacity Act (2005) and the best thing for you during the pandemic



The Mental Capacity Act (2005) gives rights to people who cannot make decisions for themselves.



Carers and people who provide services for you, should work with you to help you make decisions.



If you cannot make decisions for yourself, they can do the best thing for you.



If they do this, they have to think about a number of things such as:

- whether they could wait until you can make decisions for yourself.



- trying to get you to understand and make the decision.



- looking at what you said you wanted in the past and what you are saying now.

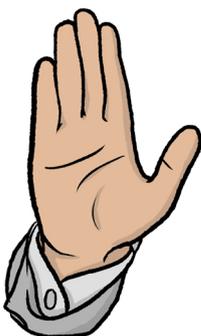


- listening to the views of your family and friends.



You might have decided in the past that you would prefer a particular treatment.

The people caring for you will need to think about this when making decisions for you.

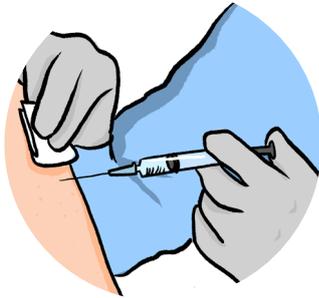


Usually, if you have said you don't want certain medical help and at that time you were able to make the decision, you won't get it.

Giving you the same treatment as everyone else



Doctors must always ask you before they give you any treatment.



But doctors are sometimes allowed to give you treatment, if you are too poorly to agree to it.



This is the same for everyone who is too poorly to agree to it.



If you have said in the past that you don't want certain medical help, you won't get it.



There are no changes to these rules because of the Coronavirus pandemic.

Rules that order people to be looked after safely when they cannot make decisions for themselves



In some cases, you could be ordered to be looked after safely, if you cannot make decisions for yourself.



This might mean that people may decide that you should stay where you live, with someone looking after you all the time, to keep you safe.



The rules about this are called different things depending on whether you are being cared for at home, or in a care home or hospital.



If you are in a care home or hospital the rules are called the 'Deprivation of Liberty Safeguards'.



The decision to use these rules is written down in what is called an 'Authorisation'.



If you live in your own home, this is called a 'Court Order'.



If there is already an Authorisation or Court Order, there should in most cases be no change because of the Coronavirus pandemic.



But there are changes to the way that a new Authorisation might be set up during the Coronavirus pandemic.

Changes because of the Coronavirus pandemic



Normally, care and health professionals will meet you and check that the Authorisation is right.



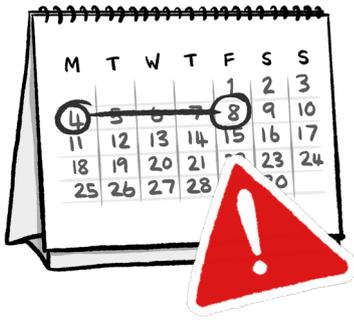
You will have the chance to say if you think something is wrong.



During the Coronavirus pandemic they might do this by telephone or video-link instead.

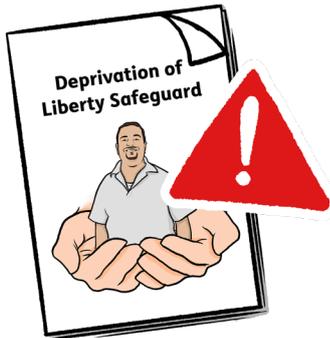


They may still ask your family and friends for their views.

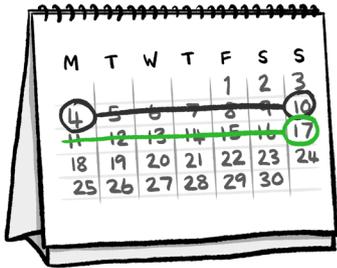


Urgent action

Normally, it can take quite a long time to set up an Authorisation.



If an Authorisation is needed urgently, the care home or hospital can start an 'emergency Authorisation' straight away, before it has been checked by the local council or local health board.



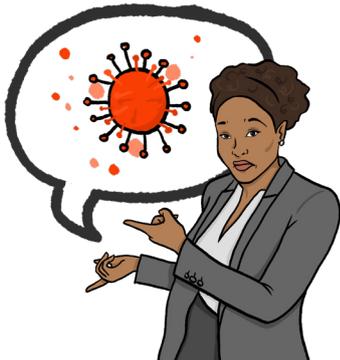
If they do this, it will last for up to 7 days.

And it can carry on for another period of up to 7 days after that if needed.



Checking on an Authorisation

Normally, the local council or local health board will come and check that an Authorisation is being managed in the right way.



This may not be possible during the Coronavirus pandemic because we have to keep people safe.

Staying indoors



The law says that people should stay indoors and away from other people during the Coronavirus pandemic.



If you cannot make decisions for yourself and you catch Coronavirus, you must stay indoors and away from other people.



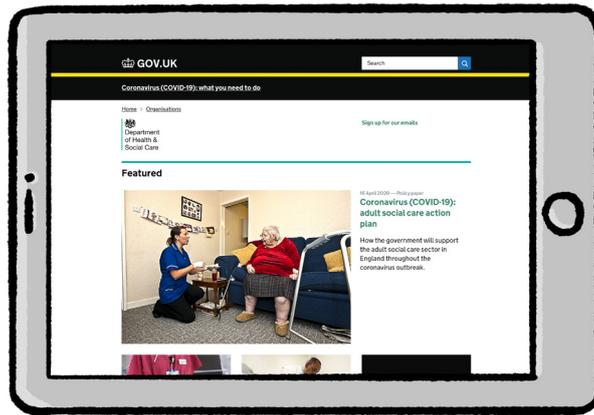
Your carers or the people who provide services for you may need to make a decision for you, to keep everyone safe from Coronavirus.



The law also says that **Public Health Officers** can make sure people stay inside.



Public Health Officers work in local areas and encourage everyone to be healthy.



If you need more information please go to our website:

www.gov.uk/dhsc

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