

Lord Irvine of Lairg  
The Lord Chancellor  
Lord Chancellor's Department  
Selborne House  
54-60 Victoria Street  
London  
SW1E 6QW

This is an issue that could affect you or someone you care for. Please support the campaign by sending the attached card to the Lord Chancellor, Lord Irvine of Lairg or by writing him a personal letter with a copy to your MP.

**Who is involved in the Making Decisions Alliance?**

The following organisations are all members of the Making Decisions Alliance:

Action on Elder Abuse  
Age Concern England  
Alzheimer's Society  
Caring Decisions  
Headway  
Help the Aged  
Leonard Cheshire  
Mencap  
The Mental Health Foundation  
Mind  
The National Autistic Society  
Patient Concern  
The Down's Syndrome Association  
The Relatives and Residents Association  
Respond  
Rethink  
Scope  
Sense  
The Stroke Association  
Turning Point

For further information please contact:  
The Making Decisions Alliance 020 7306 0807  
(24 hour answerphone)

Or download a campaign pack from  
[www.makingdecisions.org.uk](http://www.makingdecisions.org.uk)

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Making Decisions Alliance

# Daily Decisions

35p

## Who has the right to decide?

**"I have Alzheimer's and would like my wife to decide about my health care when I'm no longer able to do so"**

**Read more inside**

**What if your husband, wife or partner was knocked over in the street and suffered head injuries? Would you assume that you had the right to be consulted by the doctors? You would be wrong.**

A shock survey reveals that although a massive 92% of the population believe they would have the right to be consulted about their loved one's care, they have no rights at all.

**Mental Capacity**  
**92% of public unclear about their rights**

This means that if your husband, wife or partner could no longer make their own decisions, you currently have no right to be involved in decisions about their treatment, care or where they live.

This legal muddle exists because we have no laws concerning mental capacity in England and Wales.

New mental capacity legislation would end the confusion over who has the right to decide for people who can't decide for themselves. It would also help give new rights to people who

may need support to make their own decisions.

A group of organisations called the Making Decisions Alliance is lobbying the Government to make parliamentary time for this crucial legislation that would benefit the lives of millions of people.

These may include people with dementia, people with learning disabilities, mental health problems, autism, and severe head injuries.

**"UK needs clear laws on capacity. Scotland has already achieved this"**

Michaela Willmott, Chair of the Making Decisions Alliance, said: "There is widespread public confusion about what the

law says about mental capacity. Any one of us could be faced with having to make a serious decision about our own or a loved one's future welfare. We have the extremely unfair situation where individuals and carers in Scotland have clear legal rights but people in the rest of the UK do not."

# Who Decides?

At some point in their lives, millions of people lose their ability to make decisions which affect their own life – either through disability, illness or injury. Who would you want to help look after your financial affairs or handle decisions about your personal welfare if you are not able to do so? Your partner? Your children? A friend? These are not easy decisions but if someone had to handle these matters for you, wouldn't you prefer it to be someone you have chosen?

## We need new legislation to support people to make decisions

Current laws are out of date and fail to prevent the abuse of people who lack the ability to make some decisions on their own. The law also fails to protect the rights of those individuals who may need support to make their own decisions.

### In England and Wales, once believed to be incapable you have no legal right to:

- decide where you live
- say what services you want
- make decisions about your treatment/healthcare
- have your past and current views considered
- sign a cheque
- sign a contract of any kind.

### Relatives and friends caring for someone who lacks capacity have no legal right to:

- decide on care arrangements for the person without capacity
- be consulted by professionals on decisions affecting the person they care for
- manage their financial affairs (unless they hold a registered power of attorney or the court has appointed a receiver).

The situation is different in Scotland where legislation on mental capacity and decision making was introduced in 2000.

## Who would benefit from new legislation?

This is an issue that can affect us all. Sudden illness (such as a stroke) could temporarily or permanently affect a person's ability to make decisions. Others that might be affected include people with dementia, people with a learning disability, autism, or severe mental health problems. Families and friends, who now have no legal right to be involved in making decisions on important welfare and medical matters on behalf of someone who does not have capacity, will also benefit from new legislation.

These comments from concerned individuals illustrate some of the problems people face now.

*"I have a learning disability. People often don't listen to my opinions, especially about where I want to live. I don't like it when someone assumes that I can't make any of my own decisions. A new law will make sure that my opinion is listened to. It would also support me to make these decisions."*

*"I have Alzheimer's disease and would like my wife to decide about my health care when I am no longer able to do so. At the moment, my wife and my children will have no say in the care I get when I can't communicate my wishes."*

*"I have been diagnosed with a severe mental illness but my parents control all my money because they believe I am not able to manage it myself. Mental capacity legislation would help me because it would identify the times when I was able to decide how I spend my own money."*

### The Making Decisions Alliance believes that legislation is needed to:

- define what mental capacity is
- enable people to make as many of their own choices for as long as possible
- make sure people have access to support to communicate their decisions
- allow people to nominate a person to manage their affairs when they are no longer able to do so
- allow people to make plans for the future
- protect those people who cannot make their own decision.

## These reforms are long overdue.

A new **Mental Capacity Act** would give people the right to make as many of their own decisions as possible. Successive governments have agreed that this is an area that requires reform but no action has yet been taken.

## Please help

**Please use your voice to further this campaign to protect the rights of people who need support with making decisions.**

## Dear Lord Chancellor,

I am writing to urge you to introduce Mental Capacity legislation in the Queen's Speech 2003. Millions of people may have difficulty in making decisions, which affect their own life. Others have to take over and make decisions about their care, financial affairs and medical treatment. The current law is hopelessly out of date and fragmented. It leaves people without mental capacity with few rights. Arrangements are difficult and expensive for carers who are trying to manage their money matters and they have no legal right to be consulted about arrangements for care and treatment. The government has said that it agrees that reforms are needed. Everyday, people are affected by this issue – please give this urgent issue the priority it deserves. Thank you for your attention.

Name

Address

Postcode

Signature

Date