



Ministry
of Justice



Department
of Health

Mental Capacity Act Implementation Group (MCA IG)

Terms of Reference

Context

The Mental Capacity Act 2005 (the MCA) is fundamental legislation that both protects and empowers individuals that may lack mental capacity. It affects as many as two million people in England.

Evidence shows that awareness, understanding and implementation of the MCA are less than satisfactory. As a result, many individuals may not be benefiting from the rights afforded to them by the law.

The Mental Capacity Act Implementation Group (MCA-IG) brings together, under the leadership of the Ministry of Justice and Department of Health, government departments and their Arms-Length Bodies (ALBs) plus the Police, Association of Directors of Adult Social Services (ADASS) and the Local Government Association (LGA).

Purpose

The ultimate purpose of the MCA-IG is to direct national actions to improve awareness, understanding and implementation of the Mental Capacity Act to realise improved outcomes and benefits for individuals who may (or may in the future) lack mental capacity.

To achieve this purpose the MCA-IG will:

- Share intelligence on the state of MCA implementation to pin-point priority areas of concern
- Share planned work activities designed to improve MCA implementation
- Work collaboratively wherever possible on joint actions to improve MCA implementation (acknowledging that joint actions are likely to realise greater results)
- Align work with the activities of the independent National Mental Capacity Forum (NMCF)
- Consider and action as appropriate, issues raised by the NMCF

Management

The MCA-IG will be managed jointly by the Department of Health and the Ministry of Justice. It is jointly chaired by MoJ (Elizabeth Gibby) and DH (Paul Richardson).

Ultimately it reports to the Minister for Community and Social Care at DH (Alistair Burt) and the Parliamentary Under Secretary of State for Women, Equalities and Family Justice at MoJ (Caroline Dinenage).

A public minute will be produced following each meeting for dissemination to stakeholders, including the NMCF.

The MCA-IG will meet quarterly for an initial period of 12 months after which a decision on the continuation of the group will be taken.

Membership

- Department of Health
- Ministry of Justice
- NHS England
- Office of the Public Guardian
- Care Quality Commission
- Court of Protection
- Health Education England
- Police
- NICE
- Public Health England
- National Mental Capacity Forum
- NHS Trust Development Authority/ Monitor
- Department for Work and Pensions
- Department for Communities and Local Government
- Association of Directors of Adult Social Services (ADASS)
- Local Government Association (LGA)
- Welsh Government
- Official Solicitor

Contact

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