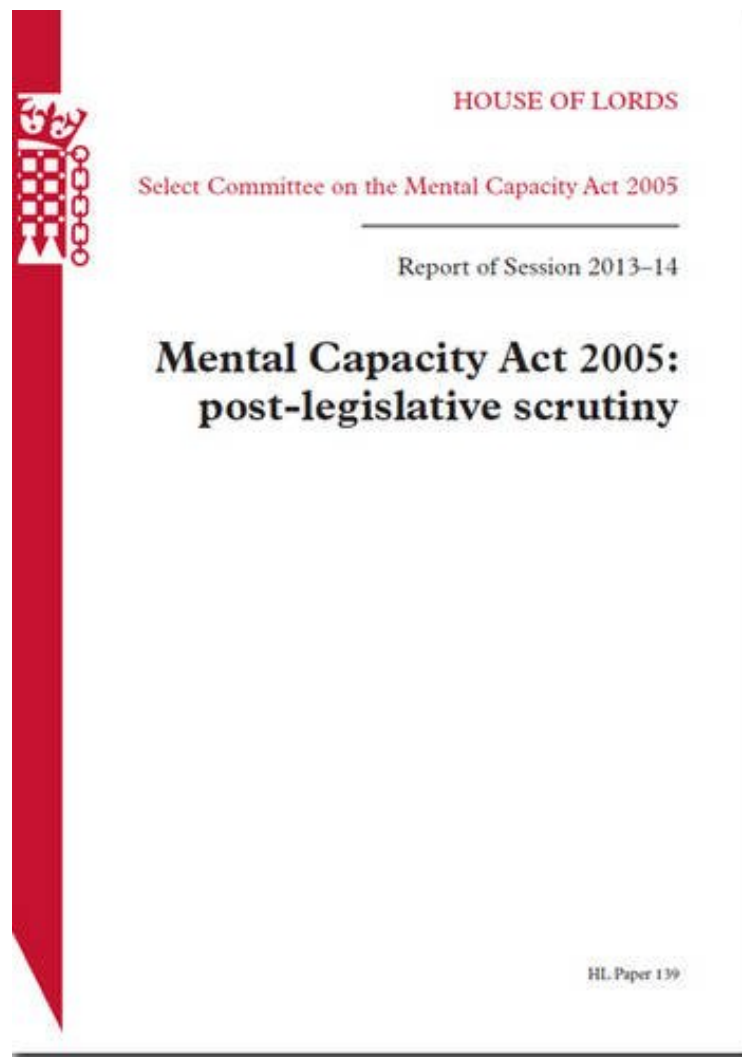


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Social workers, healthcare professionals and others involved in the care of vulnerable adults are not aware of the Mental Capacity Act, and are failing to implement it. The Committee wants to see a change in attitudes and practice across the health and social care sector which reflects the empowering ethos of Act. To achieve this they recommend that overall responsibility for the Act be given to an independent body whose task will be to oversee, monitor and drive forward implementation. Their other key finding concerns the Deprivation of Liberty Safeguards. The intention of the safeguards is to provide legal protection for people who are being deprived of their liberty for their own safety. The evidence suggests that tens of thousands of people are being deprived of their liberty without the protection of the law, and without the protection that Parliament intended. The Government needs to go back to the drawing board to draft replacement provisions that are in keeping with the style and ethos of the Mental Capacity Act. The Committee's further recommendations include that: Government reconsiders the provision of non-means tested legal aid to those who lack capacity; Local Authorities use their discretionary powers to appoint Independent Mental Capacity Advocates more widely; Government addresses the poor levels of awareness and understanding of Lasting Powers of Attorney and advance decisions to refuse treatment; and Government review the criminal law provision for ill-treatment or neglect of a person lacking capacity to ensure that it is fit for purpose.