

## Mental Capacity and freedom of choice.

You may have read in the press that Britney Spears (a pop singer for those who don't know!) is currently fighting a court battle to remove a 'conservatorship'.

A conservatorship is a USA term for a court order giving someone control over another person's property, career, finances and medical care. In Britney's case, her father has control over these aspects of her life, following a breakdown of her mental health in 2008.

However, many people who know Britney believe that she has been well enough for a long time to manage her own affairs, and want the conservatorship to be removed. Several highly paid lawyers are receiving fees to manage her affairs.

"During the twelve years of Spears' conservatorship she has repeatedly toured the world, released multiple albums, and worked on a variety of television shows," "Her conservators decide whether or not she works, as she cannot enter into contracts for herself because she is legally not her own person. Britney Spears needs permission from her conservators to leave her house or spend any of her own money."

Read the article below:

<https://www.npr.org/2021/06/24/1009726455/britney-spears-conservatorship-how-thats-supposed-to-work?t=1624624914656>

Consider:

- ❖ Is this situation in Britney's best interests?
- ❖ Could anyone else be benefiting from this situation?
- ❖ Is this arrangement ethical from what you have read?

## The Mental Capacity Act – the UK law protecting our right to make our own choices.

The example above is a story from the USA. In the UK, we have a law called 'The Mental Capacity Act' which is designed to ensure that anyone who is able to make their own decisions is able to do so without interference from the authorities. The law also ensures that a person who may lack the ability to make their own decisions (known as lacking mental capacity) is supported to do so. Any decision made on behalf of another person must be in their best interests.

### **Your task:**

Using the sources below (and any other suitable sources of your own) create a factsheet explaining why it is important for any health and social care worker to understand what is meant by mental capacity. You could include:

- A definition of mental capacity
- Examples of why a person may lack mental capacity

- The 5 main principles of the Mental Capacity Act

<https://www.nhs.uk/conditions/social-care-and-support-guide/making-decisions-for-someone-else/mental-capacity-act/>

<https://www.mencap.org.uk/advice-and-support/mental-capacity-act>

Be creative! Bring your completed work with you to your first lesson in September. Be ready to discuss your ideas.