

Maximising the Therapeutic Value of the Mental Capacity Act of Singapore for People Who Lack Legal Capacity

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Abstract : The Mental Capacity Act is a new legislation that allows for lasting powers of attorney and court-appointed deputies, in respect of people who lack legal capacity. While the UK Act, after which the Singapore Act is modeled, has been shown to be therapeutic to donors, the Singapore Act differs from its UK counterpart and it is unclear if the Singapore Act can be beneficial to donors as purported. The purpose of this study was to determine what the perceptions of three groups of stakeholders (patients, caregivers and psychiatrists) are about the aspects of the Mental Capacity Act that are therapeutic to donors. In addition, ways to increase the therapeutic value of the Act to donors are sought. A qualitative methodology was used and the research was guided by two theoretical frameworks: therapeutic jurisprudence and an interpretive constructive framework. Interviews with 12 psychiatrists, and focus groups with twenty three patients and seven caregivers showed agreement that, allowing donors to nominate more than one decision-maker, and whistle-blowing mechanisms for recourse for abuse, were therapeutic to donors. To further increase the therapeutic value of the Act, 2 suggestions were made: the Act should provide for (i) advanced healthcare directives- allowing donors to make advance decisions to refuse treatment, or cease existing treatment, and (ii) independent advocacy services- to have a case worker to represent people who have no family or friends and are thus unable to find suitable donees.

Keywords : Mental Capacity Act, therapeutic jurisprudence, qualitative methodology, the UK Act

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