



mental capacity

2005 mental capacity act

This protects and empowers people who may lack the mental capacity to make their own decisions about their care and treatment. It applies to people aged 16 and over

5 areas to remember

- assume a person has the capacity to make a decision themselves, unless it's proved otherwise
- wherever possible, help people to make their own decisions
- don't treat a person as lacking the capacity to make a decision just because they make an unwise decision
- if you make a decision for someone who doesn't have capacity, it must be in their best interests
- treatment and care provided to someone who lacks capacity should be the least restrictive of their basic rights and freedoms

do not feel you have to make these decisions on your own!



- use the people around you
- involve other professionals
- always base your actions on the evidence you have

someone doesn't have mental capacity if they cannot:



- understand the information relevant to a specific decision
- retain that information
- use or weigh up that information as part of the process of making the decision

Before making a decision on someone lacking capacity, we need to do everything we can to help make a decision. These include:

- Does the person have all the relevant information they need?
- Have they been given information on any alternatives?
- Could information be explained or presented in a way that's easier for them to understand (for example, by using simple language or visual aids)?
- Have different methods of communication been explored, such as non-verbal communication?
- Could anyone else help with communication, such as a family member, carer or advocate?
- Are there particular times of day when the person's understanding is better?
- Are there particular locations where the person may feel more at ease?
- Could the decision be delayed until they might be better able to make the decision?