



## Mental Capacity

The Mental Capacity Act (2005) (MCA) ensures people have the necessary support to make as many of their own decisions as possible and also protects those who need others to make decisions for them.

A capacity assessment is completed where a person does not appear to be able to make a specific decision e.g. treatment, change in accommodation.

The capacity will assess if the person has an impairment or disturbance in the functioning of their brain.

The assessor will then assess if the person can:

- Understand the information relevant to the decision
- Retain the information long enough to make the decision
- Use the information to make a choice e.g. weigh up the options, understand the consequences etc
- Communicate the decision (in any way)

A person assessed as being unable to do any or all of these things is deemed not to have capacity. \*\*An unwise decision does not mean a person necessarily lacks capacity.\*\*

A decision would then be made based on the best interests of the person.

In an emergency situation treatment should always be given without delay. The only exception is a valid and applicable advance decision to refuse treatment.

The person should be involved as much as possible.

Always check if there is a registered lasting power of attorney (LPA) a valid advance decision to refuse treatment or a court appointed deputy (CAD)

The assessor should also consider if the decision can be delayed until the person regains capacity.

