

The five key principles of the Mental Capacity Act (MCA)

All adults have the right to take their own decisions...

A presumption of capacity:

"A person must be assumed to have capacity unless it is established that he lacks capacity."

A right to support in making decisions:

"A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success."

The right to make unwise decisions:

"A person is not to be treated as unable to make a decision merely because he makes an unwise decision."

If the patient really can't take their own decisions...

Best interests: "An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be in his best interests."

Least restrictive option: "Before the act is done, or the decision made, regard must be had to whether its purpose can be as effectively achieved in a way less restrictive of the person's rights and freedoms."

Mental Capacity Act 2005, Section 1

Find the **mental capacity assessment form** on the intranet : "I want to / Find out about Safeguarding"; follow the link at the end of the page.

Find **MCA and DoLS information** under Safeguarding on the intranet and in the Safeguarding Policy.

Contact safeguardingadults@bartshealth.nhs.uk for further information.

