The Mental Capacity Act 2005

1. Assume capacity until proven otherwise

2. Support people in their decision making

3. An unwise decision doesn’t mean a person necessarily lacks capacity

4. Where someone lacks capacity, decisions made on their behalf must be made in their best interests using the checklist

5. When making a decision on behalf of someone who lacks capacity always do so in the least restrictive way - The MCA is about Human Rights!

Start with the 5 principles, which are law

- Only assess capacity if there is a reason to do so

Mental Capacity is decision & time specific

What is stopping the person from making the decision?
- Do they meet the diagnostic test? (e.g. dementia, brain injury, mental disorder, alcohol)

To have capacity a person must be able to do all of the 4 following processes:
- Understand the relevant information
- Retain the information to make a decision
- Weigh the information
- Communicate their decision (using any means)