

Case study: Using advocacy to challenge a presumption of incapacity

An advocate reminds other professionals not to make decision on behalf of people until incapacity has been established

A gentleman diagnosed with dementia in his 70s is living in a care home. A DNACPR (Do Not Attempt Cardio-Pulmonary Resuscitation) form had been completed and signed by the GP, without consulting the patient. No reason was given for failing to consult the patient.

The advocate involved in supporting the gentleman felt he had the capacity to make this decision himself, and she arranged for the GP to visit the gentleman and review the DNACPR decision.

The meeting went ahead, and the GP made the observation during the meeting that the gentleman's capacity to understand and process the information he was being given, was fluctuating minute by minute during the meeting. At times he was clearly able to understand, retain, weigh up, and communicate his decision. The outcome was that the gentleman decided himself that he would not want to be resuscitated.