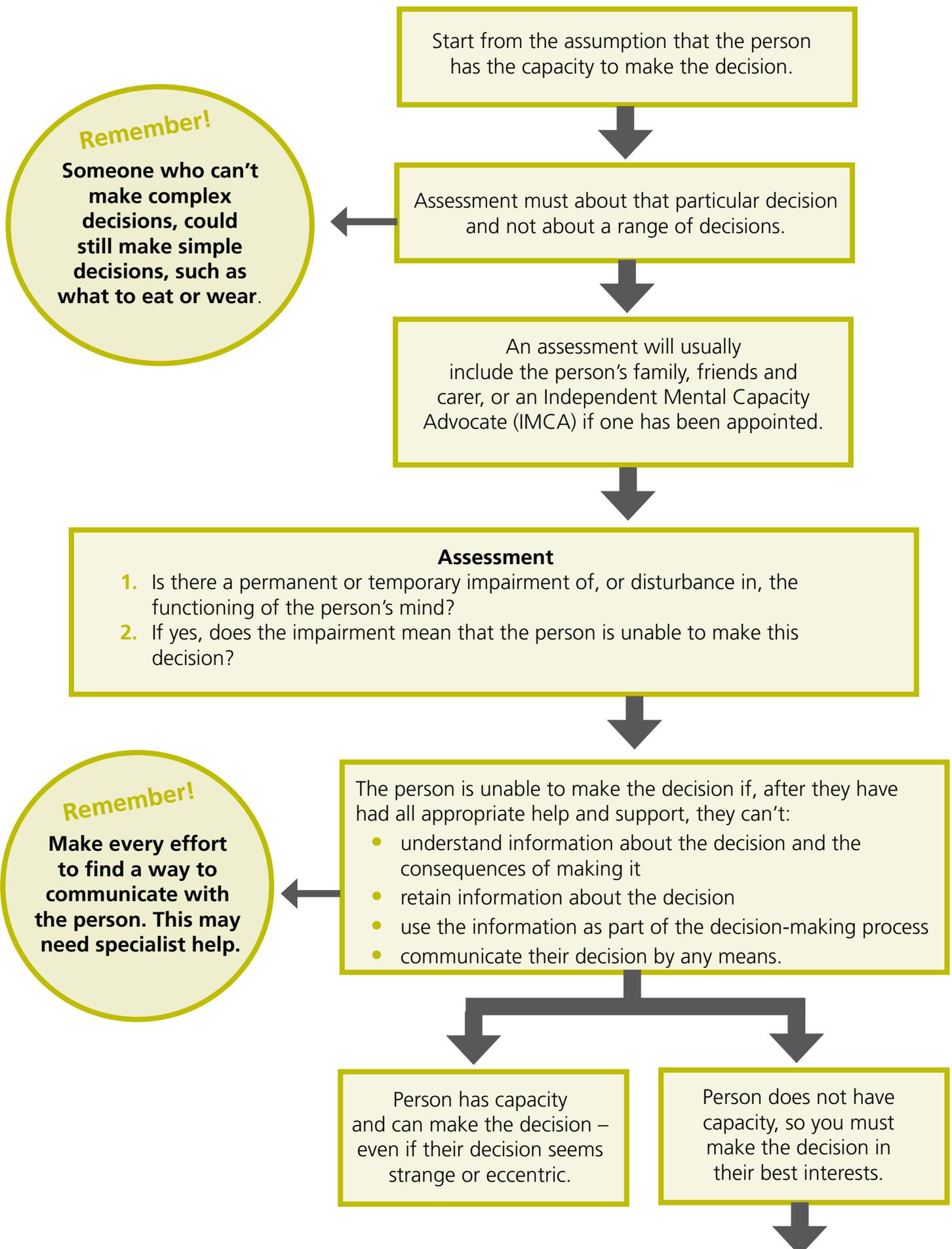


Mental capacity decision-making process

November 2012





Best interests

- Don't make assumptions on the basis of the person's age or appearance, condition or any aspect of their behaviour.
- Consider all the relevant circumstances relating to the decision.
- Consider whether the person is likely to regain capacity (after medical treatment). Can the decision wait until then?
- Involve the person as fully as possible in the decision that is being made on their behalf.
- Consider the person's past and present wishes and feelings, and beliefs and values which could influence the decision.
- Consult other people if it is appropriate and take into account their views, especially anyone named by the person as someone to be consulted, carers, close relatives or friends, an attorney appointed under a Lasting Power of Attorney and any deputy appointed by the Court of Protection to make decisions for the person.



Remember!

If you are making a decision about serious medical treatment or changes of accommodation and there is no one else to consult, you should consider involving an IMCA.

When you are carrying out certain actions in connection with the care and treatment of people who lack capacity to consent, you must work within the MCA, which means that you must:

- observe the principles of the MCA
- carry out an assessment of capacity and reasonably believe that the person lacks capacity in relation to the matter in question
- reasonably believe the action you have taken is in the best interests of the person.

Remember!

You should always refer to:

Mental Capacity Act 2005 www.legislation.gov.uk/ukpga/2005/9/contents

MCA Code of Practice www.justice.gov.uk/protecting-the-vulnerable/mental-capacity-act

Devon MCA Practice Guidance www.devon.gov.uk/mca-practice-guidance

Ministry of Justice Guidance leaflet www.dca.gov.uk/legal-policy/mental-capacity/publications

You can also use our **e-Health tracker tools** to help you make decisions