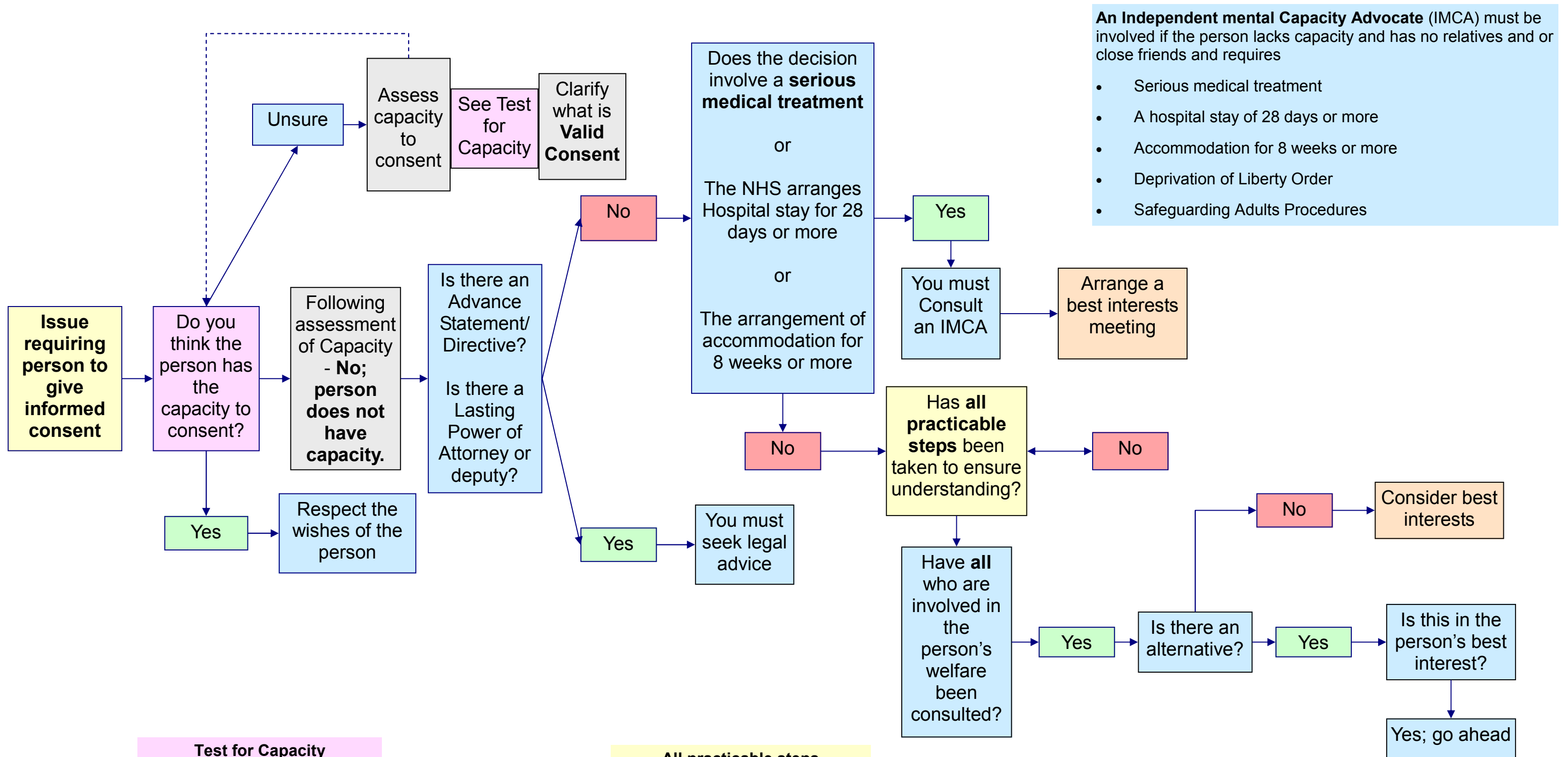


# Mental Capacity Act (2005) Decision Making Pathway

All adults should be presumed to have capacity unless the opposite has been demonstrated.  
Consent must be obtained by the person undertaking the procedure and is specific to the decision to be made



**An Independent mental Capacity Advocate (IMCA) must be involved if the person lacks capacity and has no relatives and or close friends and requires**

- Serious medical treatment
- A hospital stay of 28 days or more
- Accommodation for 8 weeks or more
- Deprivation of Liberty Order
- Safeguarding Adults Procedures

**Legal/ Statutory requirements of the Mental Capacity Act (2005)**

- Understand the information given to them
- Retain the information long enough to make the decision
- Weigh up the information available to make the decision
- Communicate the decision

**Test for Capacity**

- Understand the information given to them
- Retain the information long enough to make the decision
- Weigh up the information available to make the decision
- Communicate the decision

**Valid consent is:**

- Given by a competent person
- Be given voluntarily
- Given following receipt of adequate information

**All practicable steps**

- Consider use of real objects or photographs/hierarchy of symbolic development
- Arrange visits to treatment areas
- Develop information packages that are accessible
- Give the person extra time

**Least restrictive option**

Anything done for or on behalf of the person without capacity should be the least restrictive to their basic rights and freedoms.

**Best interests**

Anything done for or on behalf of a person without capacity must be in the person's best interests.

A best interests meeting should include all relevant parties, including the person, medic (GP/doctor), advocate/IMCA, carers, nurse, Allied Health Professional and or people who know the person well.