

Mental Capacity Act Flowchart in serious medical conditions in individual over 18 years.

The Mental Capacity Act (2005) requires you to assume that individuals have capacity, unless you suspect the person has an impairment of disturbance of the mind or brain. It also requires any assessment to be decision specific. If you suspect someone lacks capacity you are required to complete the 2 stage mental capacity assessment

Table 1 : What is the decision that needs to be made?		
Details		
Stage 1 : Assessing Capacity		
Stage 1 Does the person have an impairment or disturbance of the functioning of mind or brain?	Circle No No further action required. Record decision in records Circle Yes Complete the rest of the table	
State details of impairment here :	Is this temporary circle Yes / No If Yes ,can decision wait ,until capacity regained circle Yes/ No If No complete rest of table	Is this Permanent circle Yes/ No If Yes complete rest of table
Stage 2 Function tests		
1. Can the person understand what decision they need to make and why they need to make it? (this must be imparted in a way they can understand) circle Yes / No . Record details – quote the persons response		
2. Can the person retain the information (this only needs to be long enough for them to use and weigh up the information) circle Yes / No Record details – quote the persons response.		
3. Can the person assess /weigh up the information (understand both the benefits and burdens of the options) circle Yes / No Record details – quote the persons response.		
4. Can the person communicate their decision (by talking, using sign language or any other means)? Would the services of a professional (such as a speech and language therapist) be helpful? circle Yes / No		
If a person cannot do any of the first three they should be treated as unable to make the decision. The fourth only applies in situations where people cannot communicate their decision ie unconscious or cannot communicate by any means		
Does the Person have capacity? Circle YES – record their decision in records or Circle No – now follow MCA guidelines in table 2		

Table 2 MCA (2005) Guidelines

3. Advanced Decision to Refuse Treatment (ADRT)									
Is there a Advanced Decision to Refuse Treatment (ADRT) that relates to the decision being made Circle Yes / No (if no go to part 4) If YES What are the details?									
What is the date the ADRT is signed									
Is the ADRT still applicable ?				Circle Yes – abide by decision			Circle No (if no tick reason, give details – then go to part 4))		
Withdrawn		Unanticipated circumstances		PW LPA / EPOA granted		Inconsistent behaviour		Detained Under Mental Health Act	
4. Is there an appointed Personal Welfare Lasting Power of Attorney/ Enduring Power of Attorney Circle Yes/No (if no go to part 5) If yes What date was appointment (ensure made after any ADRT) Check this has been registered with the Office of Public Guardian NB : There may be more than one PW-LPA									
Name									
Relationship									
Telephone Number									
Fully inform PW-POA / EPOA of the facts and the decision to be made and ask for their decision. State decision									
5. Best Interest Meeting – You need to consult others if there is no ADRT or PW-POA. NB : If the person is un befriended’ (ie has no-one other than someone who is paid to care for them and the decision is a serious health decision) then you need to consult a Independent Mental Capacity Advocate (IMCA).									
Lead Professional Name					Role				
Views:									
Most important views of the person who the decision is being made about									
Views if known :									
Views of others (PW-LPA , IMCA, Family, carers, friends etc									
Decision Made									
Decision Maker									
Organisation									
Decision Date									
					Role				
					Telephone no				
					Signature				