

MENTAL CAPACITY ACT (MCA) FLOWCHART

PATIENT REQUIRED TO MAKE A DECISION

Follow the 5 Principles of the MCA

1. Assume Capacity
2. Do everything possible to help patient have capacity
3. People are entitled to make unwise/eccentric decisions
4. Decisions made on behalf of someone else should be in his/her Best Interests
5. Anything done for or on behalf of a patient without capacity should be as least restrictive as possible

IF CAPACITY TO MAKE A DECISION IS IN DOUBT – CAPACITY MUST BE ASSESSED

Is there an impairment or disturbance in the function of the mind or brain? (permanent or temporary) e.g. a mental health disorder, significant learning disability, dementia, delirium, confusion, intoxication, unconscious

No

Patient has capacity to make the decision
End Assessment

Yes

Does that impairment or disturbance mean that the person is unable to make the decision in question at the time it needs to be made?
If the answer to any of the following questions is NO, then patient lacks capacity to make decision:

1. Can the patient understand the information given to them?
2. Can the patient retain the information?
3. Can the patient balance the information?
4. Can the patient communicate their decision (by any means)?

For MCA/DoLS advice contact:
Jayne Holmes : 2746
Paul Hunter : 2750
Alternatively – discuss with
matron / manager
See MCA Resource Folder also

In an emergency, act in best
interests – unless LPA/AD in place

Does capacity fluctuate?

No

Patient does not have capacity
Complete Mental Capacity Assessment Form
(accessed on Staff Intranet)
Record in medical/nursing notes

Yes

If the decision can wait, consider
delay until patient regains capacity

Is there a Registered Lasting Power of Attorney (LPA) or an Advance Decision (AD) in place to help inform decision?

Yes

Act accordingly
Seek Legal Advice

No

Does the patient have any relatives, next-of-kin, un-paid carers to consult / act as an advocate?

Yes

No

Discuss Best Interests
Involve patient as much as possible
Record in medical/nursing notes

IMCA Referral:
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