



Support sheet – Mental Capacity Act (MCA)

Description

The Mental Capacity Act (MCA) is designed to protect and empower people who may lack the mental capacity to make their own decisions about their care and treatment. It applies to people aged 16 and over.

It covers decisions about day-to-day things like what to wear or what to buy for the weekly shop, or serious life-changing decisions like whether to move into a care home or have major surgery.

Key elements

- Assume a person has the capacity to make a decision themselves, unless it's proved otherwise
- Wherever possible, help people to make their own decisions
- Do not treat a person as lacking the capacity to make a decision just because they make an unwise decision
- If you make a decision for someone who does not have capacity, it must be in their best interests
- Treatment and care provided to someone who lacks capacity should be the least restrictive of their basic rights and freedoms
- The MCA also allows people to express their preferences for care and treatment, and to appoint a trusted person to make a decision on their behalf should they lack capacity in the future
- Mental capacity is assessed through a 2-stage test of capacity

Associated links/documents

Assessing mental capacity: <https://www.scie.org.uk/mca/practice/assessing-capacity>

Mental Capacity Act Five principles Poster: <https://oacp.org.uk/resources/mental-capacity-act/>

Deprivation of Liberty: <https://www.gov.uk/guidance/deprivation-of-liberty-orders> (NB The Department of Health and Social Care is planning to implement the Liberty Protection Safeguards (LPS) to replace the DoLS)