

Top tips on using the Mental Capacity Act 2005

Assessing capacity

- Start off by thinking that everyone can make their own decisions
- The process is decision specific
- Give the person all the support you can to help them make their own decision, e.g using pictures, simple language
- Remember that people with a Learning Disability have the same rights as everyone else.
- People can make an unwise decision, doesn't mean they lack capacity
- Parents cannot make decisions on behalf of an adult, unless they have the legal authorisation to do so, i.e LPA
- The following format should be used:
 - 1) An individual must be able to understand information given to them
 - 2) Are able to retain the information long enough to be able to make the decision
 - 3) Weigh up the information given (pros and cons)
 - 4) Communicate their decision (speech, sign language, simple muscle movements i.e. squeezing a hand)



Making a best interest decision

- If the individual is assessed as lacking capacity, then a decision should be made in the individual's best interest
- The decision made should be the least restrictive option
- Each decision is time and decision-specific
- Involve people in the discussion that know the person with a Learning Disability well, i.e. LD Nurse, GP, BLDS professionals, family and care provider staff and refer to IMCA (independent mental capacity advisor) if there is no family.
- The overall decision maker is the person who is requesting for the decision to be made i.e. GP if requesting a blood test; Dentist if treatment is needed

If you require any assistance with any of the above, please do not hesitate to contact the Barnet LD Team for further support.