



Key principles

- All adult individuals are presumed to have capacity to make decisions about their treatment and care.
- An individual can only be judged to lack capacity to make a specific decision at a specific time, and only after assessment in line with legal requirements.
- Do NOT assume that an individual lacks capacity to make a decision solely because of their age, disability, appearance, behaviour, medical condition (including mental illness), beliefs, their apparent inability to communicate, or because they choose an option that you consider unwise.

Can the individual do ALL the following?

1. Understand information relevant to the decision in question?

- Individuals must be given the information they want or need to make a decision.
- This information should include the benefits and harms of treatment, including the option to take no action.
- Information should be provided in a place and at a time when the individual is most likely to understand and retain it.
- Reasonable adjustments should be made to support individuals with additional needs, e.g. use of easy read leaflets.

2. Retain that information?

- Individuals may need support to understand and retain the information.

3. Use the information to make their decision?

- Individuals may need support to use the information to make a decision.

4. Communicate their decision?

- Individuals may need support to communicate their decision.

If the individual may regain capacity and the decision can be delayed, this option must be considered



YES

The individual HAS the capacity to:

- Consent to treatment
- Refuse treatment

The individual's decision should be reviewed immediately before providing treatment

NO

The individual LACKS capacity at this time

- Does the individual have documented advance care planning in place?

YES

- Refer to advance care planning documentation to aid decision-making process.

NO

- Has the individual appointed a Lasting Power of Attorney (LPA) for health and welfare?

YES

- The LPA may make decisions on behalf of the individual.

NO

A best interests decision must be made

- The choice of treatment must be of overall benefit to the individual.
- Decisions should be made in consultation with those who are close to the individual or advocating for them.