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| **Capacity Assessment Guidance for GPs****Action Card** |

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| The copy and paste template below will be helpful to support your requirements under CQC and the law.The Mental Capacity Act (2005) provides legal guidance relating to capacity and consent issues:*‘Service providers are now at risk of a strict liability criminal offence if someone is treated without consent even if her or she suffers no harm’ (Regulation 11: CQC)* |

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| In Primary Care it is necessary to consider capacity **for people where there are concerns about the person’s capacity to consent (for example; people with dementia or learning disabilities)**In situations when: |
| * **When you are proposing prescribing medication / treatments**
* **When you are considering an emergency admission to hospital**
* **When you are proposing any procedure or examination**
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| If you turn the following MCA steps into an auto template on your computer system, this can then be used to evidence your capacity assessment in a consultation |
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| Mental Capacity Assessment | Step 1; What is the specific decision to be taken?Step 2; Is there an **impairment or disturbance** in the functioning of the persons mind or brain? Yes/No \*Delete as necessary\*Detail:Step 3;3.1 Can the person **understand** the issues relevant to their treatment?Yes/No \*Delete as necessary\*Detail:3.2 . Can the person **retain** the information given relating to care/treatment? Yes/No/ N/A \*Delete as necessary\*Detail:3.3 . Can the person **weigh up** the issues relating to care/treatment?Yes/No/N/A \*Delete as necessary\*Detail:3.4 . Can the person **communicate** their decision regarding care/treatment? Yes/No/N/A \*Delete as necessary\*Detail:Outcome of capacity assessment: With reference to the above, does the person have capacity in relation to the decision as outlined at this time? Yes/No \*Delete as necessary\***If the person has capacity, are they consenting to care/treatment? Yes/No****If the person lacks capacity identify the Best Interest decision being made.****NB: Relatives/carers have a legal right to be consulted on any best interest decisions** |