



Consent to treatment Tools for Best Interest Decision Making

Decision-making around treatment should be a shared process between the Healthcare Professional and the patient but this cannot be the case when someone lacks capacity to make a decision around their treatment.

The Mental Capacity Act 2005 and the Mental Capacity Act Code of Practice 2016 provides the framework to support individuals to make decisions around their health and care needs if they lack the mental capacity around a specific decision, referred to as a lack of capacity.

We must presume capacity in the first instance until proven otherwise.

Within this pack there is a capacity assessment which can be adapted to the individual's communication needs. The capacity assessment tool can determine if the individual has understood the required treatment, risks of treatment,

possible outcomes of treatment required and the understanding and ability to retain this information.

This pack has been developed to support the best interest process once it has been determined that a person lacks capacity.

We want to achieve

The Right Treatment
By
The Right Medical professional
Through
The Right process
For
The Right outcome

Once a treatment has been proposed for an individual by a Healthcare Professional such as: a Doctor or Dentist, then capacity should be assessed to confirm if the individual can consent to treatment. If the individual lacks capacity through the assessment process, then the best interest process must be started. This process must involve all relevant parties involved in that person's life. If there is no one other than a healthcare professional to support the decision, then an Independent Mental Capacity Advocate (IMCA) may be required. The overall decision on the required treatment, medication or procedure lies with the healthcare professional who proposed the treatment.

This pack contains tools to document this decision by the decision maker and all others who are involved in a best interest outcome. The best interest decision must always be made in the best interest of the individual using the least restrictive options. If another person has Lasting Power of Attorney for the individual for their health and welfare then they are able to make the treatment decision on behalf of the individual who lacks capacity.

The Disabilities Trust is a leading national charity, providing innovative care, rehabilitation and support solutions for people with profound physical impairments, acquired brain injury and learning disabilities as well as children and adults with autism.



The Disabilities Trust is a company limited by guarantee incorporated in England and Wales under registration number 2334589 and registered as a charity in England and Wales under registration number 800797 and in Scotland under registration number SC038972.

Registered office 32 Market Place, Burgess Hill, West Sussex RH15 9NP.

Contact for more information: Rachel Priestley - Service Manager, Hollyrood and Sussex Community Houses, Lindfield, RH162QY

healthwatch
West Sussex

Healthwatch are the independent national champion for people who use health and social care services. Healthwatch are here to make sure that those running services, and the government, put people at the heart of care.

0300 012 0122

helpdesk@healthwatchwestsussex.co.uk

www.healthwatchwestsussex.co.uk



[@healthwatchwestsussex](https://www.facebook.com/healthwatchwestsussex)



[@healthwatchws](https://twitter.com/healthwatchws)