

## 7 Assisting patients' who may lack capacity (Mental Capacity Act 2005)

**Objective:** The process is to support the Health Care Professional in determining if the patient may lack the capacity to decide on their Summary Care Record preference.

Adults over the age of 18 are presumed to have capacity to make decisions about their healthcare. Some people may lack the capacity either temporarily (e.g. through alcohol intoxication) or permanently (e.g. terminal dementia). The Mental Capacity Act 2005 has established principles and safeguards which must be followed by the Health Care Professionals to determine whether or not the patient lacks capacity.

In addition this must also apply to any person with a Lasting Power of Attorney (LPA). An LPA is for someone over the age of 18 who is entitled to make decisions for the person they hold the LPA for.

For a more information on the Mental Health Act (2005) please go to [www.publicguardian.gov.uk/mca/mca.htm](http://www.publicguardian.gov.uk/mca/mca.htm)

For more guidance on the Mental Health Act (2005) for people who work in health and social care please go to [www.publicguardian.gov.uk/docs/opg-603-0409.pdf](http://www.publicguardian.gov.uk/docs/opg-603-0409.pdf)

Patient



Health Care Professional

