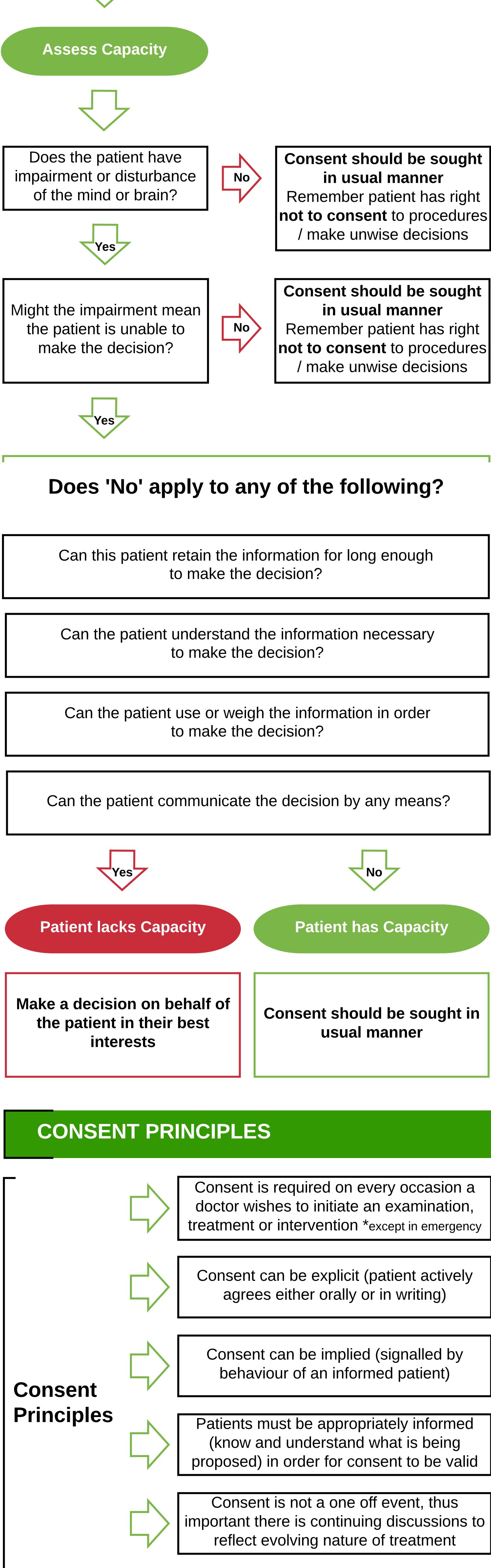


CAPACITY PRINCIPLES

Five
Statutory
Principles
MCA 2005

- Always presume a patient has capacity
- Patients must be given all appropriate help before concluding they can't make a decision
- Patients can make 'unwise' decisions
- All decisions must be in the patients best interests
- Always chose the least restrictive intervention that is within the patients best interests

ASSESSING CAPACITY



Does 'No' apply to any of the following?

Can this patient retain the information for long enough to make the decision?

Can the patient understand the information necessary to make the decision?

Can the patient use or weigh the information in order to make the decision?

Can the patient communicate the decision by any means?

Yes

No

Patient lacks Capacity

Patient has Capacity

Make a decision on behalf of the patient in their best interests

Consent should be sought in usual manner

CONSENT PRINCIPLES

Consent Principles

- Consent is required on every occasion a doctor wishes to initiate an examination, treatment or intervention *except in emergency
- Consent can be explicit (patient actively agrees either orally or in writing)
- Consent can be implied (signalled by behaviour of an informed patient)
- Patients must be appropriately informed (know and understand what is being proposed) in order for consent to be valid
- Consent is not a one off event, thus important there is continuing discussions to reflect evolving nature of treatment
- Patients can withdraw consent at any time

GAINING PATIENT CONSENT

In order for valid Informed consent, you must explain the following

Purpose of proposed examination, investigation or treatment

Benefits of proposed examination, investigation or treatment. And likelihood of success for any given treatment

Risks of proposed examination, investigation or treatment

Risks of **not** performing proposed examination, investigation or treatment

Alternatives to proposed examination, investigation or treatment

Patient can choose to withdraw consent at any time

The amount of information provided will vary according to factors such as the nature and severity of the condition, the complexity of the treatment, the risks associated with the treatment or procedure and the patient's own wishes

Follow local hospital guidelines on type of consent that is required for what you are proposing i.e. written for surgical, verbal for blood test etc

In order to provide the above information, you must be suitably trained and qualified, and sufficiently familiar with the proposed examination, investigation or treatment